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CHINESE COOLIE EMIGRATION

TO COUNTRIES WITHIN THE BRITISH EMPIRE

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COUNTRIES WITHIN THE BRITISH EMPIRE

BY

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With a Preface by

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TO

PROFESSOR GRAHAM WALLAS

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My special and permanent indebtedness to Professor Graham Wallas, the beloved and inspiring teacher, I gladly acknowledge in the dedication.

PERSIA C. CAMPBELL.

September 17, 1922.

PREFACE

STUDENTS expose abuses, professors dissect reforms. At any rate, these are their tendencies. The young investigator, blessed with enthusiasm and curiosity, wishes to do something definite. The elderly teacher, hard-worked, tired, and disillusioned, knows that most reformers exaggerate, and that most general statements require qualification. He holds a watching brief for accuracy, and feels impelled to point out that there is something to be said for the *status quo*. Yet in his heart he envies youth.

Miss Campbell, happily, is still in the first stage of the investigator's career. She has devoted herself to tracking out a long and involved story of certain industrial experiments which became social evils. The subject is depressing because so much of it is a record of wrong and failure. Many of the details are dry and some are loathsome. Of the darker and more tragic side of the tale much has been hidden or lost and can never be known. Where light is thrown upon it, it is usually the very dry light of statutes, blue-books, regulations, political speeches, pamphlets, and clippings from newspapers. The research student has to cut a way through a difficult jungle. The result is redeemed from dullness by the political importance of the subject and its human interest, by the humanitarian feeling aroused, by the passion of a racial controversy and the lurid horror of many of the episodes. Miss Campbell's book, though an exposure—incidentally a terrible exposure—is not an attack. It is a statement of a mass of facts. If they mostly tell one way, that is not her doing ; there is no sign that they have been selected for that purpose. The arguments for various forms of the coolie traffic are fairly quoted and set out. The overstatements of men denouncing it

are shown up from time to time. In one division of the book, indeed, Miss Campbell seems to me rather to understate the case against Chinese immigration. That is when she is dealing with its practical demerits in Australia and New Zealand. But in those countries the friends of Chinese immigration are now few and unpopular, and to try and be a little more than fair to the weaker side in what was a fierce controversy is the most respectable defect that a writer can have. The chief merit of her book, apart from the evident industry displayed, is the resolute persistence of the authoress in getting to the bed-rock of fact. Perfervid passages from speeches and articles are only quoted sufficiently to show the views held by parties and the feelings the coolie question aroused. For the most part she relies on blue-books. They are not romantic narratives. But there is this advantage in relying on them: when the matter dealt with is a great social abuse, blue-books usually understate the case for the prosecution. Miss Campbell's readers can feel throughout that their feelings are not being deliberately, much less unfairly, worked upon.

The mass of hard facts in her book require subsequent thought and digestion. They certainly deserve them. As one gradually constructs a picture and history of the Chinese coolie labour systems, one wonders at first how these sinister experiments, so unattractive at their best, so repulsive at their worst, came to be tried in civilized countries in the nineteenth and twentieth centuries. One of the reasons is that they were usually tried in succession to other systems either worse or not very much better, just as negro slavery was begun in the New World as a substitute for the Indian labour which the Spaniards were working to death. Even Las Casas thought that the change might be a gain to humanity. In the same way Chinese indentured coolies were brought into the West Indies to take the places of emancipated negro slaves. In Australia, the first Chinese workers were imported by squatters who were being deprived of the services of assigned convict labourers by the stopping of the convict system. In South Africa, Chinese were imported because the Kaffir labour recruited for the com-

pounds of the Rand was for a time in short supply. In Malaysia the position was, of course, different. Asia is the Chinaman's home; he often found his way to the Malay country on his own account. His presence there was natural, and he could play a useful and legitimate part. Chinese labour there, taken by itself, was not a bad thing. What marred the picture was the evil bred by the credit-ticket and indenture systems, and the shameful lack of, or laxity in, the supervision and protection of Chinese labour in Malaysia itself. From its beginning in, say, 1845, there was, until 1877, virtually no Government regulation at all. After that it remained faulty right up to the end of the indenture system in 1911. The circumstances of their origin, then, explain why humane men and a well-meaning bureaucracy like the Colonial Office committed themselves to various experiments of arranging for or sanctioning the importation of gangs of male Chinese to work under semi-servile conditions beneath the British flag. They do not explain the persistency with which planters or mine-owners clung to bad systems or the apathy with which officials—in some places—failed to cope with glaring abuses. Men, however, once committed to a system, are slow to open their eyes to its weaknesses. The shortcomings of officials may often be explained by Dr. Johnson's "Ignorance, sheer ignorance, Madam!" But officials ought not to be ignorant. In truth, the Colonial Office does not cut a very impressive figure in this book. It was often timid, dilatory, and mistaken. If it did the right thing in the end, that was apt to come "after many days." Of course, Downing Street is a long way from the Tropics and the Antipodes, and the fear of ruining vested interests and British enterprise is natural. It is only fair to say, moreover, that certain Secretaries, like Lord Stanley and Lord Harcourt, show up very well. The outspoken courage, moreover, shown by British officials like Sir William Des Vœux, Consul Robertson, and Commissioner Parr, in showing up local abuses, should not be forgotten. And if Downing Street was slow to move, public opinion was slow also.

The Chinese indentured labour system, beginning about

1844, was abolished in the West Indies much sooner than in Malaysia. It never existed in Australia or New Zealand, and now only lingers on in a small Polynesian archipelago. The credit-ticket system, sometimes worked quite independently of it, sometimes dovetailed into it, was very widespread, and died—it it be dead—very hard. At first sight a system under which passage-money was advanced to labourers in Chinese ports and repaid by them out of their earnings in the Colonies seems innocent enough. But managed as it was, chiefly by Chinese middlemen, crimps, and compradores, it became largely a veiled slave-trade. Labourers were decoyed into barracoons and virtually sold. They were induced to gamble and lose money. They were kept in confinement, not only at ports of departure, but at ports of arrival. Costs were added to their passage-money. They were forced to accept employment at low wages as the creditors' agents dictated. They were watched and terrorized by the spies of secret societies—in California, the Five Companies—acting in the creditors' interest. They could be beaten, robbed, and even—though rarely—murdered. Ostensibly free in the Pacific states and British white colonies, they were often virtually slaves of their own countrymen working through unseen influences of which surrounding Whites usually knew nothing. On the tropical plantations they, whether indentured or not, were often abandoned to the tender mercies of Chinese headmen, who bullied, cheated, and maltreated them. The sanitary and medical arrangements, sometimes quite good, sometimes beggared description.

Then there were the moral consequences certain to follow on the herding together of gangs of male Asiatics, young or middle-aged, unaccompanied by women of their own race. One medical report in British Columbia—many years old—stated that practically all the Chinese in the colony were affected with a virulent form of syphilis. Another report mentioned that out of 144 Chinese women in the colony, half were prostitutes and many of the others concubines. On the horrible subject of male prostitution and outrage I will not touch ; its existence cannot be denied.

Many of the vessels which left Chinese ports between 1845 and 1875 were simply slavers. In 1872 it was officially denied from Hong-Kong that any undue restriction was placed on coolie passengers there. Some months previously, the *Don Juan* had left Macao with 640 coolies on board. In mid-ocean she took fire, and the captain and crew abandoned her. Only a few coolies were on deck, and they were mostly in chains. The iron gratings on the hatches were locked, and the keys were not to be found. When the wretched crowd below burst open the fore-hatch, it was too late, and all but fifty perished.

On another ship from Macao the coolies rose *en masse*, murdering some of the crew. They were recaptured, and one of them appeared before the Hong-Kong Court for extradition. Mr. Justice Smale refused to extradite him, making some scathing remarks in which he characterized the Macao traffic as a slave-trade. The Portuguese Government took time to reply. When it did, its reply was deadly. It pointed out that the coolie trade from Hong-Kong was carried on in a manner in most respects identical with that of Macao, and, moreover, that English merchants shared in the Macao traffic and pocketed much of the money made by it. The official reply from Hong-Kong seems rather weak.

It could be claimed that the Hong-Kong traffic was subject to Government inspection. What this inspection could be like may be judged from the case of one ship which carried 298 coolies. Of these the inspector reported that he was not satisfied that more than eighty-one were voluntary passengers. He did not detain the ship, nor did he disembark the doubtful cases. The ship went on, and of her human cargo more than two-fifths died on the way. This was in 1856.

Chinese coolies were imported into Cuba fifty years ago. By a Spanish law, meant to be humane, a certain proportion of females had to be imported for every hundred males. To comply with this law, an English ship, the *Elphinstone*, cleared from Ningpo with a batch of forty-four female infants bought as slaves by one Martinez. These were pent

in a cabin 18½ feet long, 9 feet broad, and 5 feet 10 inches high. The condition of these hapless little creatures caused an outbreak of fever among the ship's company. The *Elphinstone* was stopped at another port, the surviving children taken off and handed to the Chinese authorities. Lord Clarendon ordered the master to be criminally prosecuted and the ship, if possible, forfeited.

Outbreaks by coolies were so common about 1852–3 that captains and crews often refused to sail, and trade was more or less held up. Sir B. Robertson, in one report in 1874, spoke of thirty-four sea "tragedies," in about twenty-five years—fifteen on British ships—observing that the record rivalled the palmiest days of the Middle Passage. Decent Chinese opinion in the south of China regarded the traffic with bitterest detestation. Amoy was placarded with notices threatening death to anyone who dealt with the foreign slave-dealers, and in particular specifying two English firms. Another placard denounced "barbarians who buy men to sell again." Respectable English traders protested against the traffic, pointing out that it so inflamed the Chinese against foreigners as to interfere with legitimate mercantile business.

Traffic conditions seemed to have been at their worst between 1845 and 1877. But though things improved, still, as late as 1904, the Attorney-General for Hong-Kong, prosecuting in a kidnapping case, indicated that kidnapping was rife in Hong-Kong.

As to other branches of the subject, such as the South African coolie experiment, the exclusion policy of Australia and New Zealand, and the official inquiries into Chinese immigration into California, I leave the book to tell its own story.

I recommend it, as a carefully compiled collection of authentic information, to all students of the Chinese immigration question, both those in England and those in the Colonies. I recommend it to officials and humanitarians in England. I very strongly advise colonial politicians and journalists to get it and keep it. Most especially do I commend it to my countrymen in Australia and New Zea-

land, and among them to the leaders of colonial labour.

Many things are important to colonial labour, but the exclusion of Asiatic immigrants is the most important of all. Australian and New Zealand work-people would suffer for example, if they were deprived of industrial arbitration laws and of wages boards; these gone, they might find themselves, in bad times, in a similar plight to that in which English labour finds itself now. A gradual infiltration of Asiatics, however, would by degrees permanently lower their status, and, if it went on long enough, might threaten their very existence. I have read that there are politicians in South Australia who are in favour of the development of the northern territory by Asiatic labour "under proper regulation." I wish every member of the South Australian Parliament would read this book. They could then judge for themselves how far the best-meant regulations are able to make male Asiatic labour immigration, systematically carried on for development purposes, a clean and decent thing. People talk loosely of Tropical Australia as generally unsuitable to the White Man. But Tropical Australia is a very large place where climatic conditions vary greatly. I venture to think that—deserts excluded—only a strip of it is quite unfitted for development by Whites. The strip is very long but quite narrow. Some of it is probably of no great attractiveness to any race. It may be said that Chinese coolie immigration is dead for the moment. That may be so. But every decade brings queer, gusty changes in public opinion, fresh impatience, fresh agitations, and fresh crops from the fertile soil of ignorance.

W. P. REEVES.

INTRODUCTION

DURING the nineteenth century the millions of Southern China were in the grip of economic want. Famine and feud intensified the suffering of a rapidly growing population. The inevitable result was a large migration outwards despite an Imperial edict which, prior to 1859–60, forbade a Chinese subject to leave the homeland without a special permit. This forced immigration, mainly from the Kwangtung province, was quickened and extended by the active recruitment of coolies, under the "credit-ticket" and "contract" systems of labour—the chief difference between the two being one of initiative.

Under the credit-ticket system Chinese brokers paid the expenses of the coolie emigration. Until the debt so incurred by the coolie was paid off the broker had a lien on his services—a lien that might or might not be sold to a *bona fide* employer of labour. Under this system was effected a minor part of the Chinese emigration to British Malaysia until 1914–16, when it was terminated as a result of the abuses to which many of the coolies were subjected during the period of their obligation. By the credit-ticket system also was made possible the large emigration of Southern Chinese to U.S.A., Canada and Australasia which commenced during the fifties of last century and continued until it was gradually restricted or prohibited by the legislatures of these English-speaking states. These restrictive or exclusive policies still obtain, though the circumstances of their adoption have been largely forgotten. Ignorance breeds racial jealousies and it may be that on the truth of the matter depends the future of Pacific accord. In the

following pages, therefore, an attempt has been made to get back to historic facts.

The principals in the contract system of emigration were foreigners. During the nineteenth century the African slave system was terminated after having proved not only socially unsatisfactory but economically unsound. As a result of slave emancipation or in anticipation of it, an attempt was made by the exploiters of the sparsely populated "New World" to replace the African slave by the Asiatic indentured labourer—Indian or Chinese. In China the system was established after 1845. Since that date foreigners have at different periods gone to China to engage the services of Chinese under written contract to work for a number of years in lands beyond the seas—the terms of the original contract having penal sanctions in the country into which the coolies have been introduced. A curious industrial status was thus established by law. The coolies have not infrequently been subjected to serious wrongs of many of which it would seem difficult to rid the period of indenture. Chinese contract labour was disallowed in British territory after 1916 until the British Government gave permission in 1919 to the Government of New Zealand to continue the introduction of Chinese coolies into the islands of Western Samoa. Other parties interested in the rapid economic exploitation of the Pacific Islands and of tropical Australia may also turn to China to secure a labour supply—the native population of those territories being insufficient for or unsuited to the demands of a large forward policy. Under these circumstances it is well to realize that there is a century of history behind this contract system. It is a history not without its warning. A man is something more than a "living machine."

On one aspect of this subject of Chinese emigration there is no available information. The majority of the Chinese emigrants have been natives of the Kwangtung Province, so that although their numbers are insignificant when compared with the total population of China the effects on the social institutions of the south of this almost exclusively male emigration may have been considerable. Nor should

its possible political significance be ignored. In a statement prepared for the Canadian Commission, 1901, Mr. W. Cum Yow declared that " the Chinese Empire Reform Association has branches all over the world where there are Chinamen. They wish to elevate the Chinese and to promote the prosperity of the old land. The work is carried on here (Canada) largely by public meetings and addresses. This movement cannot be carried on yet in China itself but we look for great good to China from (it). . . . The Chinese have always a very high regard for their homeland and a strong filial affection." Such activity among the Chinese living abroad for a term of years must have had its effect on the recent political history of the Kwangtung province and, through it, on the present disintegration of the Chinese Republic.

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PART I

CREDIT-TICKET EMIGRATION

CHAPTER I

THE COOLIE-TRAFFIC IN BRITISH MALAYSIA

THE origin of the southward movement of the Chinese is hidden in a legendary past. The ancient mineral development of the Malay Peninsula might have been the result of their efforts. It is written that in the fifteenth century some Chinese gave their aid in the founding of the beautiful city of Malacca, the famous mediæval mart through which the wealth of the spice islands passed to the eager buyers of Europe. There was a small population of Chinese on the island of Penang when Francis Light added it to the Empire, 1786. Sir S. Raffles met Chinese in Singapore when in 1819 he entered upon the task of "constructing on the ruins of the dead Singapura a new city which should carry to still greater heights the commercial fame which had once centred there." During the nineteenth century the industrial expansion of the Malay Peninsula—the working of the tin-mines, the clearing of the jungle, the labour of the plantations, the enterprise of the ports was mainly dependent on the immigrant population, partly Indian but chiefly Chinese—the native Malays not having suited themselves to the requirements of modern economic development.

The period in this emigration southward when the credit-ticket system was evolved is difficult to determine. But certainly the system was in operation in 1823 when Sir S. Raffles endeavoured to cope with its abuses. By it the

movement of Chinese from the southern provinces of China to the distributing ports of Singapore and Penang was no doubt quickened and extended. But it is important to remember that the credit-ticket system occasioned only a minor part of the total Chinese emigration to the Malay Peninsula, most of which was free.[1]

The evidence obtained by the special committee appointed by the Legislative Council of the Straits Settlements, 1876; [2] by Mr. Pickering, Chinese interpreter, Singapore, February, 1877; [3] by the Commissioners who investigated the subject of Chinese labour, S.S. 1890,[4] supplies the following information on the "credit-ticket system of emigration" prior to 1877, when the first effective measure of Government control somewhat modified certain of its aspects.

There were Chinese coolie-brokers in Singapore and Penang who worked in co-operation with "eating-house" keepers in Swatow and Amoy and, to a lesser extent, in Hong Kong and Macao. According to one of the witnesses [5] who gave evidence 1876, there were some twenty or thirty of these houses in Swatow alone. These depot-keepers were regularly advised by the Singapore and Penang brokers of the state of the labour markets in the Straits ports. Acting on this advice, they advanced funds to certain Kheh Thous, or headmen, to recruit emigrants in the different villages of the Kwangtung province. The recruiters offered to secure a passage for the coolies to the Straits Settlements on the understanding that the expenses so incurred would be recovered from the employers to whom the coolies would engage their services on arrival at their destination. Vivid pictures were drawn by the recruiters of the lucrative work awaiting Chinese coolies in the Straits Settlements.[6] The im-

[1] In 1877 the unpaid passengers formed about 27 per cent. (+) of the total number of immigrants to Singapore. In 1890 the percentage was decreased to 8·4 per cent. (+).

[2] *Proceedings of Legis. Council, S.S.* 1876.

[3] *Ibid.*, 1877. [4] *Ibid.*, 1890–91. [5] Mr. Benjamin Holmberg.

[6] See statements of five emigrants before Mr. Pickering, 1877, Straits Settlements. "Look how poor you are," Lew Ship Yit complained that a recruiter had said to him; "if you follow me I can take you to Singapore, where you will get such good employment that very soon you will pay the small amount of passage money required and will save more than $50–60 a year"—a fortune for a village labourer.

poverishment of Southern China during the nineteenth century pressed heavily on the toiling villagers and there was probably little difficulty in collecting small bands of volunteer emigrants. The latter were then taken by the Kheh-Thaus to the seaport lodging-houses, where they were detained until shipment.

The depot or lodging-house keepers then arranged for the passages with the masters of the Chinese junks or with the agents of the European vessels chartered for the emigrant service. The passages might be paid for in advance or given on credit until arrival in Singapore or Penang. If credit was given, the headman was made responsible to the master of the junk or the super-cargo of the chartered vessel, for the payment of the money due for his coolie band. The rate of passage money paid in advance differed from \$5–\$8, according to the competition. Rates on credit ranged from \$7–\$12. The number of credit passages which shipping agents were prepared to give probably differed with the state of the labour market in Singapore or Penang. However, the special Committee of 1876 reported that by that year it had become the general practice for emigrants from Amoy or Hong Kong to have their passages paid in advance; passages from Hainan might or might not be so paid; from Swatow probably about half the passages of the Teo chews (agricultural labourers) were taken on credit. Before embarkation each emigrant received a ticket stating whether his passage had been paid in advance or was on credit and the port of his destination.[1] Under the terms of the Chinese Passengers Act, 1855, any British ship carrying Chinese to the Straits Settlements after that date should have been examined with a view to ascertaining if all the emigrants were voluntary. By 1876 it seems also to have been the practice of the Mandarins to examine the emigrants to the same end—perhaps in consequence of the Emigration

[1] E.g.: "Please receive on board one passenger for Singapore. Name ——, aged —— years. Country ———— in the district of ————. Freight paid at Swatow.

"Emigrants are responsible for their own luggage. Any one going on board with this ticket is to be received.

"Sgd. ————,
"Agent."

Convention, 1866.[1] It is probable that even before 1866 the Mandarins were not unaware of the nature of the emigration, nor without profit from it—indeed there was a general opinion in the Straits Settlements that they took advantage of it to free themselves of the responsibility of diseased paupers and criminals, " thus getting rid of a nuisance and improving a system of criminal transportation at the expense of other nations." Certainly by 1876 the Chinese officials had to be reckoned with by the speculators of the credit-ticket system. The latter to save themselves trouble with the Mandarins engaged European firms as agents for the emigrant vessels, Europeans not being so subject to " squeezing " as the Chinese. Nevertheless, some $290–$300 were demanded on account of each emigrant vessel clearing for the Straits Settlements.[2]

Prior to the enforcement of Ord. VI. 1874 S.S., which regulated the number of immigrants into the Straits Settlements in proportion to the size of the vessel on which they travelled, there is no doubt that many of the coolie ships were perilously overcrowded—especially when these were small sailing junks, the mortality on which was very heavy. As Mr. Cameron explained in his *Malaysia*,[3]

" By their deaths, though there may be a loss of profit there can be none of capital to the shipper. The men cost nothing and the more (he) can cram into his vessel the greater must be his profit. It would be a better speculation for the trader, whose junk could only carry properly 300 men, to take on board 600 and lose 250 on the way down, than it would be for him to start with his legitimate number and land them all safely, for in the first case he would bring 350 men to market and in the other only 300." Even after the passing of Ord. 1874, evidence was given in 1876 to the effect that vessels after being cleared from a Chinese port would lie outside and fill up with more emigrants from junks that came alongside. On arrival in the Straits and before entering the harbour, the vessels discharged such emigrants as had been taken on in addition to the number that might be legally carried. ' If they were only to carry the legal numbers the ships would not make any profit.' "[4]

[1] See below.
[2] Evidence, 1876, Koh Tiang Po and Teon Gee Hoh.
[3] P. 41, quoted *Canadian Sessional Papers*, 1885, 4054a, p. cxvii.
[4] Mr. Taw Seng Poh, No. 4, 1876.

On arrival in port the Chinese who had paid their own passage, or were indebted for it only to relatives or friends, were free to go ashore at once. The "unpaid passengers" or "Sinkhehs" were detained on the vessels until their services were engaged. To the latter end, the headmen went ashore to look for employers who wanted labour. In Singapore such employers were generally to be found among the Chinese business men of the port or the Chinese gambier, pepper and tapioca planters of the Straits Settlements Colony. The Sinkhehs taken to Penang were frequently engaged for the tin-mines of Perak and Selangor. The coolie broker and the employer settled the price of transferring from the former to the latter the Sinkheh's financial obligations. If there was keen competition for labour, large profits would be made by those who engaged both in the recruitment and the sale of the coolie's services. Though it was estimated that in 1876 the total cost of introduction, including the expenses of recruitment and lodging in China and the passage money, approximated to some \$13–\$14, the price received for engaging the coolie's services would often be \$20–\$24. This sum was paid by the employer on the understanding that it would be worked off either during a period of six months by the Sinkheh, who would receive only food and clothing, or during a period of one year, when from nominal wages paid the price demanded by the broker would be deducted. The Sinkheh was thus under the obligation of repaying not only the legitimate costs of his introduction but the large competitive profits gained by the brokers and their agents. Employers might or might not inspect the Sinkheh prior to settling the price. There is no evidence that the latter had any say in the manner in which his services were engaged. As soon as the matter had been arranged he was released from the emigrant vessel [1] and handed over

[1] The coolies were kept under restraint in the vessels after arrival in port lest they made their escape. July 26, 1876, two Commissioners visited a large immigrant vessel which had arrived with 1,000 immigrants on the previous day. 180 immigrants on credit passages were still on board, and were making a disturbance on account of the excessive heat down below. They were not allowed on deck for fear of escape while the vessel was discharging its cargo.

to his future master or his master's agent. The interest of the broker or headman in the affair was then at an end. The transaction was known as the " pig business." As the Special Committee reported, 1876, it savoured of a buying and selling operation. But they were nevertheless of the opinion that the emigration system involved no serious abuse if the Sinkhehs were disposed of quickly for service within the colony.

It was different when the demand was slack. If the Sinkhehs had not all been disposed of when the charter of the vessel expired, the headmen might arrange for them to be carried on to another port. Some of the Penang brokers seem to have worked in collusion with those at Singapore and when better prices obtained in the former port the Sinkhehs were shipped there direct even though Singapore had been their agreed destination. " It is believed that the supercargo and the Kheh-Thaus are not very particular at landing the Immigrants at the port for which they had embarked." [1] If this course was not adopted the Kheh-Thaus would pay the supercargo for any passages on credit and take their bands to a lodging-house ashore or to a junk in the harbour. In Penang all Sinkhehs not quickly disposed of were taken to one depot controlled by Mr. Tan Tek, " the most powerful man in the place." There was always the danger that the Sinkhehs would escape from the lodging-houses, in which case the Kheh-Thaus or the brokers would lose on the venture.[2] To avoid such a possibility, restrictions were placed on the liberty of the new immigrants to such an extent as to constitute a serious abuse. For instance, in two lodging-houses visited by the Colonial Secretary and Chief of Police, Straits Settlements, June 8, 1876, the windows were barred to prevent exit and the doors guarded by a number of Samsengs—fighting men of the Chinese Secret Societies. Fifty Sinkhehs had been locked up in these two houses for a week. Major Dunlop, a police inspector, said of a lodging-house he had occasion

[1] S.S. Special Committee, 1876. See, e.g., p. ccxliii., instance of seventy immigrants with tickets for Singapore carried on to Penang.

[2] *Ibid.*, Evidence, Lum Kah Kway. Apparently heavy losses had been incurred in this way.

to visit that it was "not fit to keep pigs in." Mr. Pickering reported of the same house-chop, February, 1877, "Many men might be confined here without notice."[1] But abuses were attached not only to the method of detention. The depot keepers were unscrupulous and made large profits by encouraging the Sinkhehs to gamble and by selling goods to them at high prices. The debts so contracted were recovered from the Sinkhehs out of the advances they received on accepting an engagement. Further, the brokers, greedy for gain, disposed of their victims to employers either within or without the colony on the best terms to themselves, pressure being exercised to force the Sinkhehs to submit. It was under such circumstances that a riot occurred on February 17, 1877, in Singapore. A number of Sinkhehs recruited for Singapore and "sold" from a lodging-house to the Chinese agent of Dutch mines in Sumatra, refused to embark on the vessel to which they were being conducted by a "posse of fighting men."[2] The Sinkhehs had first been warned that resistance would bring punishment—a fact evident from their fear of the Colonial Police summoned to protect them.[3]

These abuses increased during the early seventies as a result of the sudden labour demands of the tobacco planters of Dutch Sumatra. Sinkhehs were forced to service in Deli.[4] Even the free immigrants to Singapore or Penang were not safe from the machinations of the brokers and their agents, who by one means or another got their victims to the lodging-houses *en route* to the Dutch plantations. The luckless Chinese who had served a first period of time were kidnapped to the same end. By 1876 Mr. Plunket, Superintendent of Police, Penang, declared that there were constant complaints of kidnapping in Penang. "There are a large number of men who have no occupation but going about the country getting coolies to go to Deli, Sirdang, and other places in Sumatra."[5]

[1] Mr. Pickering's Report, 1877. [2] *Ibid.*
[3] They protested their willingness to go anywhere or do anything if they were not punished.
[4] Chinese from Straits Settlements to Deli, 1874, 48; 1875, 1,088.
[5] *Report of S.S. Special Committee*, 1876, Penang, No. 4.

The sinister power exercised by the Chinese brokers and depot-keepers is to be explained largely by their authority as officials of the more dangerous of the secret societies. The investigation that followed the Sinkheh riot February, 1877, revealed the fact that Leong-ah-Paw, the head of the Sung-peh-Kwau Secret Society, "was at the bottom of the whole business." Mr. Tan Tek, the powerful Chinese broker in Penang, who took charge of all Sinkhehs landed in Penang until they were disposed of, was the chief of the Teh Pek Kong Society. Sinkhehs were escorted to and from the emigrant vessels by Samsengs—fighting men in the pay of the societies. The lodging-houses were guarded by the same formidable power. It is no doubt true that the Sinkhehs were unaware of the existence of any other institution of Government in the Straits Settlements.

There are no reliable figures of the number of Sinkhehs introduced into the Straits Settlements under the credit-ticket system prior to 1877. In the *Journal of the Indian Archipelago*, 1854, it is written that "masters of junks not understanding the science of statistics, view any attempt at counting their passengers or bales of goods as a prelude to taxation." The figures given in the *Journal* for the total annual immigration of Chinese, free and indebted, increased from 5,063 during 1840–41 to 11,484 during 1852–3 In 1877, 16,668 Chinese immigrants were examined in the Straits Settlements. Of the 9,776 immigrants landed in Singapore in that year, 2,653 were "unpaid" or "credit-ticket" passengers. This ratio of indebted to free immigrants may perhaps be taken for the total immigration into the Straits Settlements in 1877. Of the earlier years there is no sufficient record.

That this organized immigration into the Straits Settlements on so large a scale could continue until 1877 without legislative intervention calls for comment. It is true that so early as 1823 Sir S. Raffles had endeavoured to regulate the credit-ticket emigration by an ordinance that limited the amount of passage money to $20 and the period of service by an adult in compensation thereof to two years. Every engagement was to be entered into with the free

consent of the parties in the presence of a magistrate. But the ordinance does not seem to have been enforced, perhaps owing to Sir S. Raffles' removal from the colony. From 1829–58 the affairs of the Straits Settlements were directed by the East India Company's officials in Bengal; from 1858–67 by the Government of India. The centre of authority being so remote the affairs of the Straits Settlements were not given due consideration by an executive indifferent to, if not ignorant of, the needs of the residents. Even after 1867, when the Settlements were created a Crown Colony, the officials remained for some years ignorant of the nature of the credit-ticket system of immigration. "The Government knows little or nothing of the Chinese who form the industrial backbone of these settlements," declared Mr. Pickering, Chinese interpreter, in a special report on the subject in 1877. Moreover, the inefficiency of the Government prior to 1867 had made possible the extraordinary power of the Chinese secret societies against which the Crown Colony officials had later so seriously to contend and from the more dangerous of which was derived the influence of the Chinese brokers over their coolie-debtors. These "dangerous" societies proved a formidable obstacle to the intervention of the Government when the latter had become aware of the abuses of the credit-ticket system, and it was mainly to prevent an extension of their power that the special Committee of 1876, while recommending legislation, urged the necessity of obtaining the confidence and co-operation of the respectable members of the Chinese community.

But the circumstances of the seventies forced the Government to take action. On different occasions during the years 1871–3 the Chinese merchants, who formed the business centre of Singapore, petitioned the Government to appoint a trustworthy officer to superintend immigration and so minimize the power of "ill-disposed persons that often make their trade of the Sinkhehs or new-comers." Attention was further directed to the subject by the riots of March, 1871, and October, 1872. The latter disturbances, though originating in a dispute between the police and Chinese

hawkers, was extended in its scope by the influence of the Samsengs or fighting men of the secret societies. The Committee appointed on November 4 to inquire into the causes of the riots, pointed out [1] that the number of these Samsengs had considerably increased in the last two years. Yet although these men were able to threaten the security of the Straits Settlements, the Government had no control over their immigration. The Committee drew the Government's attention to the fact that two steamers within a week or two of one another had landed 3,200 coolies in the Settlements. "Of such and their movements neither the Government nor the police have any knowledge nor have they any control over them." They therefore recommended that a Register Officer should be appointed to board each coolie-ship and that the coolies should be kept under supervision until they had found an occupation. It was further suggested that the Officer might keep a list of persons wanting labour in order to facilitate the employment of the coolies.

The Secretary of State signified his approval of the introduction of an ordinance to prohibit the kidnapping of Sinkhehs; to establish a depot for registration and lodging and to appoint officers to inspect the conditions of the coolies on the plantations. An ordinance was accordingly drafted, and accepted by the Legislative Council. But it could not be enforced—it was too elaborate in detail. It was opposed by parties interested in the introduction of labour as "impolitic and unnecessary: impolitic because it interferes with the importation of free labour to this Settlement and unnecessary because it can never accomplish the object which it is supposed to secure." When Sir W Jervois arrived as Governor of the Colony, a Committee was appointed (1876) to investigate the subject of Chinese labour. The Committee made several recommendations The Government should interfere to protect immigrants and emigrants against the malpractices of the brokers Protectors of Chinese should therefore be appointed in Singapore and Penang and possibly, later on, in Malacca

[1] *Special Report on Singapore Riots*, 1872, Colonial Office copy.

who should be European gentlemen conversant with the Chinese dialects and assisted by respectable Chinese. Since the "unpaid passengers" had no effects which could be made liable, a detention of their persons or a lien on their services must be legalized in substitution for the illegal detention on board ship, or in houses on shore by which payment was at the time enforced. To this end Government depots should be established for the reception of immigrants on arrival and emigrants on departure under engagement. The Committee suggested further that the coolie brokers should be licensed; no licences to be issued to known bad characters and heavy penalties to be imposed for recruiting without licence. All engagements for service should be made in writing before a Protector of Chinese. Such engagements should be legalized and the infraction of them made penal. The Committee warned the Government, however, that an ordinance should not be of the elaborate pattern of the ordinance 1873, and above all that the confidence of the respectable portion of the Chinese community should be won to the measure. Following immediately on the Report of the special Committee which had revealed many grave abuses existing in the Straits Settlements, Mr. Pickering, Chinese Interpreter, called the attention of the Government to a riot of February 27, 1877, caused by the revolt of a band of coolies who were being driven on board tongkangs by armed Samsengs, for shipment to Sumatra. Mr. Pickering urged the necessity of immediate legislative action. An ordinance (11 of 1877) was accordingly introduced and passed March 23, 1877. It provided for the appointment of a Protector (Singapore) and assistant Protector (Penang) of Chinese; it regulated the proceedings of vessels arriving with Chinese passengers to ensure the inspection of the passengers by the Protector and his officers with a special view to ascertaining whether the "unpaid passengers" were or were not voluntary immigrants; it authorized the establishment of depots for the reception of the Sinkhehs and for their detention if the Protector deemed such a course necessary; it obliged the registration of all labour-contracts made by the Chinese immigrants.

The ordinance was, however, only partially brought into force. Mr. Pickering was appointed Protector of Chinese, Singapore, and Mr. Karl, Assistant Protector, Penang, May 3, 1877. But the Secretary of State considered it inexpedient to establish Government depots or barracoons—"It was thought we were not in possession of such knowledge as would allow a step involving so much responsibility to be taken."[1] But the added experience gained during the period 1877–80 proved the need of certain amendments to Ord. II, 1877, and Ord. IV, 1880, was passed on July 13, 1880, despite the opposition of the unofficial members of the Council. The amending ordinance provided more efficient regulations for the examination of the Sinkhehs on arrival by the officers of the Protectorate. Unpaid passengers who declared themselves voluntary immigrants were to be landed immediately on arrival and taken to depots, which might either be provided by the Government or by persons licensed by the Government—such licensed depots being subject to all the rules and supervision of a Government depot. Sinkhehs might be detained in the depot for a period not exceeding ten days, after which, if their services had not been engaged, they were to be given their freedom.

Under the provisions of the ordinance the Government established an examination depot at Penang, but at Singapore the inspection on arrival continued to be carried out on board ship despite the unsatisfactory conditions—

> "Scenes of disorder, amounting almost to riot, sometimes occur on the arrival of coolie ships, rowdies from the shore assaulting the Boarding officers, boatmen and depot-keepers snatching ear-rings and bangles from the women passengers and endeavouring to persuade unpaid passengers to run away."

No detention depots were established. Instead several of the lodging-houses were licensed and made subject to regulations. They were inspected by the Protectorate officials. But however frequently inspected, its very nature made this system of detention liable to abuse. The Commissioners appointed in 1890 were of the opinion that compared with the surroundings to which the coolies had been accustomed,

[1] Attorney-General, Straits Settlements, introducing Ord. IV., 1880.

there was little objection from a sanitary point of view to be made to the licensed houses. But, as they pointed out, there were objections to the confinement without exercise or occupation of a large number of Chinese for a period which might extend to ten days. The brokers continued to use the authority of the secret societies to exert pressure on the Sinkhehs to accept the engagements which brought the highest profits. Even after the societies had been suppressed (1889–91) the power for evil remained. "The men are often forced to go to Deli against their will by threats of legal proceedings for debts incurred," the Protector of Chinese stated in 1891 [1] before the Commission. He was of the opinion that "the power which is thus placed in the hands of the depot-keepers, who are agreed on all sides to be unscrupulous, appears to us greater than should be entrusted to private individuals."

There was a certain check on the influence exercised by the broker to induce the coolies to accept engagements in the compulsory registration of contracts for service.[2] These must be entered into between the agent of the employer and the coolies in the presence of the Protector of Chinese. It was the Protector's duty to ascertain whether the coolies entered into the contracts voluntarily—though it remains open to question whether the influence of the Protector was ever great enough to overcome the terror inspired by the brokers.

Such was the degree of control over the credit-ticket immigration into the Straits Settlements provided for by Ord. II, 1877, and Ord. IV, 1880. However inadequate their provisions to free the system from all its abuses, they had no doubt resulted in large improvements by subjecting it to official inspection.[3] The immigration of Chinese coolies

[1] *Proceedings of Legis. Council,* 1891. Report of Labour Commission Evidence, No. 2861.

[2] The terms of the contracts, made in accordance with this provision, differed according to the nature of the service. They stipulated as a general rule for 360 days' labour with wages varying from $30–42 per annum, from which was to be deducted the cost of introduction, reckoned as from $19·50 to $22. Food and some clothing and mosquito curtains were to be provided by the employer.

[3] It should be added that during the same period the Government had attempted to legislate for the emigration from the Straits Settlements

into the Straits Settlements had been made a matter of official interest.

During the eighties the competition of employers in the labour market of the Straits Settlements rapidly increased. Singapore and Penang became large distributing ports for Chinese coolies. Labour was in demand for the plantations of Province Wellesley. In the Protected Native States a quickened economic activity had followed the more settled conditions established by the Treaty of Pangkor. The mining development that followed the rise in the price of tin and the opening up of the sugar and coffee plantations resulted in an increased labour importation into territories which were without an effective labour supply of their own. Until 1888 the tobacco planters of Dutch Sumatra were strong competitors in the "men-markets" of Singapore and Penang. In that year they made arrangements for the direct importation of coolies from Swatow and Amoy, so that their labour supply from the Straits ports decreased from 13,554 in 1889 to 10,414 in 1890. This lesser demand was, however, still effective. Moreover, subsequent to the agreement of May 12, 1888, between the British North Borneo Company and the British Government, a large forward policy was initiated in British North Borneo. With the opening up of the tobacco estates the number of contracts to labour made in Singapore with Chinese coolies for Borneo [1] increased from 390 in 1887 to 7,223 in 1890.[2] There was in addition a smaller but by no means negligible demand from all the neighbouring territories, even from Western Australia.[3]

under agreements of service of Chinese who had been in the colony for some time or who had arrived as free passengers. The Crimping Ordinance, 1877, imposed a penalty on any person who by deceit or other illegitimate persuasion induced any person to leave the colony for service elsewhere. It authorized recruiting for such service by licensed recruiters, and made a written contract signed before a Protector compulsory for all intending emigrants. It imposed penalties on all those who having signed such contracts refused to carry out their terms.

[1] This includes a few contracts for Labuan and Sarawak.

[2] The British North Borneo planters also imported coolies direct from Hong Kong.

[3] In 1874 a Committee was appointed to consider the introduction of indentured Asiatic labour for the development of the Pearling Industry and pastoral settlement in Western Australia. The Committee reported

As the labour requirements of the profitable tobacco estates increased during the eighties, the cost of the Sinkheh to the employer became exorbitant. By 1890 the expenses incurred in introducing a coolie to the Straits Settlements probably did not exceed \$14–\$16. To this sum must be added the advances of \$30 paid to coolies to induce them to go to Sumatra or Borneo—most of which went into the brokers' pockets. The difference between this cost and the price paid by the planters —\$80–\$90 for Sumatra, \$85–\$90 for Borneo—represents the high rate of profit accruing to the traffic. Even the planters in Province Wellesley, who gave no advances to their coolies, had to pay for their services a sum varying from \$35–\$38.

No doubt this rise in costs was in part the result of the increased risks of recruitment. During the sixties and seventies the Chinese Government had been rudely awakened to the abuses attached to the system of Chinese emigration under foreign contract.[1] Its vigilance increased. During the eighties considerable obstacles were placed in the way of coolie-recruitment under the credit-ticket system, the opposition of the Government being on occasion so strong that the broker's agents hesitated in paying the usual advances to the Kheh-Thaus.[2]

In 1891 the Labour Commission S.S. reported,

"It is probable that no definite rule on the subject has been laid down by the Chinese Government but that the Governor-General of the Two Kwang is personally strongly opposed to the credit-ticket system and does all in his power . . . to prevent unpaid passengers from emigrating."

unfavourably of Indian labour, but advised the introduction of Chinese on a small scale. During the seventies a few coolies were introduced at public expense. In 1880 the Council decided to operate the system of indentured labour on a larger scale and, despite opposition locally and in the Eastern States, a few hundred Chinese were introduced annually during the eighties. Introduction was suspended, 1893, but again allowed, 1897, north of 27° and in the proportion of 1 coolie to 500 tons shipping. In 1894 repatriation at the end of the indentured period was made compulsory. On the establishment of the Commonwealth the system was abolished, save for the Pearl Fisheries.

[1] See below, Chapter III.

[2] *Report of Labour Commission, S.S.* 1890; Evidence 165.

The Governor-General was determined to suppress kidnapping. "*Protection against kidnapping should be absolutely guaranteed,*" stated the Chinese Consul-General before the Commission, "it is a point on which the Chinese Government is more sensitive than on any other." The penalty for kidnapping was death, so that if relatives complained that one of their number had been decoyed away, the headman responsible for his recruitment had to secure his return or flee for his life—unless the relatives and minor Chinese officials were willing to accept the price of peace. On September 29, 1888, a coolie-broker was beheaded in Swataw, under instructions from the Viceroy, for having sent or taken several persons to Hong Kong and deceived them into going to Singapore where they were sold for labour in Deli. To minimize their risks the brokers had to resort to "the bribing of subordinates, the purchase of the silence of parents, the tutoring of the emigrants to lie to those in authority."

In addition to, or perhaps on account of, the risks of the coolie-venture, the brokers had followed the fashion of monopoly and formed a ring. They "form a ring . . . and they are thus able to force prices up to a height only limited by the inability of the employers to pay more."

The latter had made several attempts to break the power of monopoly by recruiting and importing coolies on their own account, but except in the instance of the Deli Planters Association the brokers' ring was sufficiently powerful to render these efforts abortive.

Under these circumstances the employers of labour demanded, in 1890, that a Commission should be appointed to investigate the subject of Chinese labour with a view to making recommendations for securing an increased and cheaper supply. A Commission was accordingly appointed, 1890. Its recommendations were of a sweeping nature. The Commissioners were of the opinion that an endeavour should be made to obtain the sanction of the Chinese Government to a system of emigration placed on an entirely new basis. It should no longer be a speculative business engaged

in by Chinese brokers. Instead Government depots should be established in China and placed under the control of a Government superintendent. Recruiting should be confined to recruiters licensed by such superintendent with the concurrence of the Chinese Government. Labourers should be recruited for some definite employment. The Commissioners suggested that by the latter means the recruiters would act under definite orders from employers, not from brokers. Speculation would thus be abandoned and the price of labour considerably reduced. The coolie would then be bound to render services only for the actual cost of his introduction. The Commissioners recommended that the coolies on arrival in the Straits Settlements should be examined and detained in Government examination and lodging depots. The system of licensed depots should be abandoned as inevitably subject to abuse. The Commissioners emphasized the necessity of gaining the co-operation of the Chinese Government. The "pig business" would thus be abolished with all its temptations to fraud. The difficulties placed in the way of recruitment would be overcome. A sufficient and cheap supply of Chinese labour would be secured.

But Mr. F. Powell, the Protector of Chinese, added a rider to the Report. He was of the opinion that its recommendations were impracticable. Before they could be acted upon an extensive and searching inquiry would have to be made into the conditions surrounding recruitment both in Hong Kong and the Chinese ports. The consent of the Chinese Government would have to be obtained and the cordial co-operation of the Hong Kong Government assured. His chief objection, however, was the ease with which any system of Government depots in China or in the Straits Settlements could be evaded. Once the licensed depots were abolished, neither the depot-keepers nor their numerous staffs would have any motive for reporting unlicensed depots for receiving credit-ticket passengers. The difficulties in the way of preventing irregularities had already been proven and such a course as abandoning licensed depots for a Government depot would be followed by still more

serious abuses, considering the power of the coolie brokers and the profits of the coolie trade.

The recommendations of the Commission were not adopted. Apparently no attempt was made to take advantage even of the Emigration Convention of 1904 to institute a system of official recruitment. No important change was effected in the credit-ticket system of emigration until its abolition in 1914. The following minor legislative and administrative improvements were, however, made. Before the Commission the Protector of Chinese had insisted on the need of establishing an Examination Depot in Singapore similar to that in Penang. This need was urged in every Annual Report by the Protectorate during the nineties.[1] The Examination Depot was at last sanctioned in 1897 and established during April, 1899. No Government detention depots were allowed, despite the urgent request made for their establishment by the Protector of Chinese in 1897. "No going round visiting depots can be equal to residing under the same roof." The request was again urged by the Protector of Chinese in 1902,[2] after an unfortunate disturbance in one of the licensed depots, during which the Protector was assaulted and two of the ringleaders shot by the police. But no change was made.

In 1902, the Chinese Emigrants' Ord. Amendment Ord. 1891 was repealed by Ord. XIX of 1902 (Principal Ord.). Among other provisions the Protector was given further powers to search any place other than a licensed depot to which he had reason to suspect that credit-ticket immigrants had been unlawfully removed. Immigrants who had been brought into the Straits Settlements by fraud were to be released or, together with immigrants unfit for labour, to be returned to China at the expense of the creditor. It was also provided that the Protector should have power to

[1] "Until this Examination Depot is built we are not in a position to challenge the Chinese Government to show cause why 'advance-ticket' emigration should not be freely permitted and even encouraged, and only by this means can it be taken out of the hands of the unprincipled rascals who now control it."—Annual Report, 1896.

[2] In 1902 there were seven depots in Singapore, two in Penang and one in Malacca.

fix from time to time the maximum sum for which any emigrant from any port in China to any port in the colony should be indebted for the passage money and advances. A penalty was provided against an unpaid passenger who refused to make a contract within ten days [1] if employers offered. Further amendments, chiefly of definition, were made in the principal ordinance by an Amending Ordinance III of 1910.

Meanwhile, during 1906 an arrangement was made between the Governments of the Straits Settlements and Hong Kong on the subject of credit-ticket emigration from the latter port. The Hong Kong law [2] was not cognizant of the credit-ticket system until the Chinese Emigration Amendment Ord. 1908 was passed. Prior to this date it was required only that the coolies should be voluntary emigrants—to which they could be tutored by their Kheh-Thaus. If necessary they could be personated at the inspection. By the arrangement of 1906 the Government of the Straits Settlements refused to recognize as an unpaid passenger any immigrant from Hong Kong who had not acknowledged his indebtedness before the Registrar-General at that port. The Hong Kong Government instituted the necessary machinery for administering the arrangement. By Ord. 1908 assisted (credit-ticket) emigrants were distinguished from free emigrants on the one hand and contract emigrants on the other—the interests of assisted emigrants being safeguarded by special provisions.[3] The arrangement between the Governments of the Straits Settlements and Hong Kong and the administration of Ord. 1908 proved a valuable check on emigration abuses. Its assistance to the

[1] Ten days was the period of detention permitted in the licensed depots.

[2] Chinese Emigration Ord. 1 of 1889.

[3] That serious abuses had obtained in the system in Hong Kong was evidenced by the disclosures made Sept. 19, 1904, before Chief Justice Berkeley, when three men were indicted for obtaining by force certain coolies for the purpose of emigration. "Evidence adduced the fact that in Hong Kong the kidnapping of ignorant Chinamen is all too rife. The house in question, as proved by a plan made by Mr. Bissell of the Public Works Department, was a perfect prison. He (Attorney-General) would also prove . . . that personation (i.e. at the inspection) was the regular rule." (The Attorney-General for the prosecution. See *Hong Kong Telegraph*, Sept. 20, 1904.)

work of the Protectorate Straits Settlements was recognized by that Department [1] and testified to by the decrease in the number of coolies who had to be returned from the Straits Settlements to China as unwilling immigrants.[2]

Changes were also made between 1890–1914 in the organization of the Protectorate. In 1877 a Protector in Singapore and an assistant Protector in Penang had been appointed, necessary additions to the Protectorate staff being made subsequently. But no officer was appointed at Malacca until 1901, despite the large immigration into that port of credit-ticket passengers by Hailam junks [3] for the tapioca and sugar plantations. In 1903 the Chinese Protectorates of the Federated Malay States and Straits Settlements were united under the one head—the Protector Straits Settlements becoming the Secretary for Chinese Affairs Straits Settlements and the Federated Malay States.

Such was the nature of the credit-ticket emigration to British Malaysia when it was terminated (1914–16) under instructions from the Secretary of State. This decision was the result of a report issued in 1910, which revealed serious abuses in the system of Chinese contract labour in the Federated Malay States.

During the nineteenth century the services of Chinese coolies had been bought in the men-markets of Singapore and Penang for the development of tin-mining in Perak and Selangor. Chinese coolies were also imported for the sugar plantations opened up in the Protected Native States after the Treaty of Pangkor. But during the last decade of the nineteenth and the first decade of the twentieth centuries the employment of Chinese labour under service contract steadily decreased in the Federated Malay States. Whereas in 1900 some 7,462 contract-coolies were employed, only 864 were under contract in 1909. This decrease was no doubt partly due to the high costs of coolie-labour. In 1899, when the price of tin was rising, arrangements were made for the direct importation of Chinese by subsidized steamers from

[1] Annual Report, 1907. [2] *Ibid.*, 1910.
[3] Arrival of Sinkhehs, Malacca, 1888, 2,578; 1889, 3,970; 1890, 3,383.

Canton viâ Hong Kong to Kwala Klang ; but the experiment was a failure. The high initial expense, moreover, was considerably increased by the ease with which a coolie could abscond from the mines. And further it was becoming evident that good economic results could not be obtained from the labour of men recruited by deceit for no specified occupation. " A system of recruitment based on deceit is obviously not capable of indefinite extension," stated Mr. Barnes, British Resident, Pahang, 1910.[1] As sugar culture under Chinese owners gave place to rubber-planting under European management, Indian and Javanese indentured labourers were preferred to Chinese—partly because the recruitment of the two former was under Government control and partly because for European managers they were the more docile workers.[2] Moreover, though the Indians were perhaps more subject to disease than the Chinese, the Javanese were of good physique and suffered little from acclimatization.

But the rubber boom, 1909, quickened planting activities and thereby created a large labour-demand, so that when the decision was made by the Indian authorities to terminate the system of indentured Indian labour, 1910, the value of Chinese coolies for plantation work was again brought under discussion.[3]

Under these circumstances it was deemed necessary by the Colonial Office[4] that the system of indentured labour, both Chinese and Javanese, should be investigated in order to place it on as sound a basis as possible. Mr. C. W. C. Parr was appointed Sole Commissioner for the purpose, on January 1, 1910. As a result of his investigations he reported [5] favourably on the general conditions under which the Javanese immigrants were working, but he drew atten-

[1] F.M.S., Parr's *Report on Chinese Labour*, 1910, Appendix K.

[2] Indian and Javanese women emigrated more readily than Chinese women. In his report, 1910, Mr. Parr drew attention to the fact that on estates where more equal proportions of the two sexes were employed the percentage of desertions was very low.

[3] See *Hong Kong Daily Press*, June 3, 1913.

[4] The decision was no doubt influenced by the failure of the Transvaal experiment (see below, Chapter IV).

[5] *Proceedings of the F.M.S. Council*, 1910.

tion to serious abuses in the system of Chinese indentured labour on six sugar estates in Perak and suggested improvements in the treatment of Chinese coolies on the three rubber estates in Negri Sembilan to which they had recently been imported.

Prior to 1900 contracts for the Protected Native States had been signed in Singapore or Penang under the provisions of Ord. 1877 and 1880. They were then registered in the state to which the coolie was taken for service. In 1900 the Protectorate Departments of Perak and Selangor were made competent to witness the signing of the contracts, and after that date contracts were signed either in the Straits Settlements or in the Federated Malay States. They were subject to the provisions of various Labour laws consolidated and amended by the Federated Malay States Labour Enactment, 1904. By this enactment the period of indenture was limited to one year if the contract was made within, and two years if made without, the colony. After a maximum period of two years the coolie was free from obligation, even though his debts were not paid off. Under the enactment it was not competent for any employer to charge the coolie any sum for the expenses incurred in his introduction or to deduct any sum from his wages on this account. The enactment gave power to an aggrieved party to make complaint in a magistrate's court,—penalties being imposed for a breach of contract. For the coolie, however, the protection of the law was mainly nominal—he rarely being in a position to take advantage of it.

A system of inspection of estates had been adopted in accordance with a recommendation made by the Labour Commission S.S. of 1890,[1] but such inspections were infrequent and irregular. Certainly they did not achieve their purpose. The abuses were especially grave in the Krian district, where the

[1] Evidence given before the Commission, 1890, revealed many abuses in the treatment of coolies working under contract in the Straits Settlements. Many were detained for long periods on the estate after the contract had expired on the pretext that they were bound to serve until their debts were paid off. They were frequently beaten. The Kongsis were unsanitary and practically free from supervision. The Commissioners therefore recommended an Agricultural Labourers' Bill and the regular inspection of estates by officials of the Chinese Protectorate.

"rumah Kechie" system [1] of cultivation had been adopted. Under this system sections of an estate were let out for cultivation to Chinese "tewkays," the crop being purchased at fixed prices by the owner of the estate. The indentured Chinese were distributed among these headmen and remained entirely under their control. Apparently on none of the estates that employed Chinese coolies were checks kept by the owners on the wage-accounts. In 1910 some of the coolies examined by Mr. Parr had no complaints to make about their wages. To others, however, large sums of money were owing.[2] Wages were rarely paid until the expiration of the indentured period,[3] though advances in cash were apparently made from time to time.[4] On the Saga rubber Estate (Negri Sembilan) general provisions or chandu were given the labourers in lieu of wages.[5] The conditions of the coolie-lines on the estates in Negri Sembilan were reported as "fair though capable of improvement," but in Perak they were in some cases "scandalous." Mr. J. R. Delmege, Medical Officer Krian, gave evidence: "Sanitation as a rule nil." [6] He had found it necessary during the year to order the lines on the Kwong Li Estate to be destroyed. His statements were supported by the evidence of Mr. H. C. Ridges, Acting Protector of Chinese, Perak. The bathing places were found in some instances to be infected and partly responsible for the prevalence of gonorrhæal ophthalmia. Most of the estates had hospitals, though often of indifferent character. Government hospitals had been established in order to provide full facilities for medical treatment, but the estates were frequently guilty of serious delays in sending coolies for treatment—notwithstanding prosecutions and fines. Though some of the coolies examined stated that they had not been subjected to personal ill-treatment by their headmen, others com-

[1] The name derived from the small lines or huts in which the coolies were housed.

[2] Evidence 33. S.S. Labour Commission, 1890.

[3] This was in contravention of Sect. 22 (Chinese Agricultural) Labour Enactment, 1904.

[4] Evidence 42. S.S. Labour Commission, 1890.

[5] Contravention, Sect. 12, Truck Act.

[6] Evidence 37. S.S. Labour Commission, 1890.

plained of floggings and showed rattan marks.[1] There is no doubt that some of the headmen were, on occasion, guilty of intolerable cruelty.[2] Evidence proved also that they frequently practised unnatural offences against their coolies, forcing them to their pleasure—the terrorized victims being as a rule too afraid to complain. As a result of his investigations, Mr. Parr recommended that the Chinese credit-ticket emigration and the indenture-system which it involved should be terminated. He suggested the substitution of the Kangany-system—the system by which the Chinese miners in 1910 were introducing most of their coolie-labour. Managers of estates should send to China trusted headmen furnished with a licence from the Protectorate. The headmen should be instructed to recruit some of their friends in the ancestral village for labour on the estates. Such recruits under the law would be free from any obligation except the one month's notice of a verbal contract. They would be under no bond to refund the expenses of their introduction.[3] But Mr. Parr was of the opinion that the rise in wages made possible by the abolition of the debt-deductions would prove a strong inducement to the coolie to remain with his fellow villagers on the estate. He did not doubt that the coolies under these circumstances would remain long enough to fully compensate the employers for the expense of their introduction. But although Mr. Parr strongly urged the substitution of the Kangany for the credit-ticket system, he was aware that this would be of no value for the newly opened estates on which there would be no Kangany to send for recruits. He therefore suggested that besides encouraging the former system short indentures for 150 days should be allowed. Though the employer would be well compensated for the expenses of introduction by this shortened period of labour, he would not be able to pay the high profits demanded by the coolie-brokers. Hence the professional broker would tend to disappear,

[1] Visit No. 9, also Evidence 37. S.S. Labour Commission, 1890.

[2] *Ibid.*, Evidence 33, Aik Heng Estate.

[3] As suggested by Mr. Parr the Kangany system differed from that in operation in Ceylon, where the recruits remained directly indebted to the Kangany.

and with him many of the irregularities to which the credit-ticket emigration had been subjected. If the contract-system so modified were allowed to continue, Mr. Parr suggested the necessity of making the manager of the estate, and not a Chinese contractor, chiefly responsible for the welfare of the coolies and the conditions under which they worked. It was the ill-treatment of Chinese by Chinese that led to the gravest abuses of the system.

Mr. Parr's Report was received by the Colonial Office July 13, 1910. On February 9, 1911, the Colonial Secretary (the late Viscount Harcourt) forwarded instructions [1] that the system of Chinese indentured labour in British Malaysia was to be terminated June 30, 1914.[2] The decision especially affected the Federated Malay States, the Straits Settlements and British North Borneo. It should be understood that the local enactments passed to carry into effect the Imperial instructions did not interfere with the liberty of contract nor with the civil remedy for breach of contract. It was an indentured system with penal sanctions that was abolished. "A system which imposes penalties for breach of contract is not a system the continued existence of which should be tolerated in a British community in the twentieth century." [3]

The system was terminated [4] June 30, 1914, throughout British Malaysia with the exception of Kelantan, where local circumstances secured for it an extension until June 30, 1916. The termination of the indentured system which it had involved brought to an end Chinese credit-ticket emigration to the Straits Settlements.

[1] Private Correspondence, August 8, 35722/1921.

[2] "As regards Javanese indentured labour, the position seemed on the whole to be satisfactory, though the terms of the Netherlands Indian Labourers' Protection Enactment should be more strictly enforced in detail," *Ibid.*

[3] Attorney-General Straits Settlements, in introducing Labour Contracts Bill, June 17, 1913.

[4] There was considerable local opposition to this decision, e.g., Mr. Boyd, Straits Settlements Legislative Council, August 22, 1913: "To many industries the principal of which is rubber, the ability to establish a labour force which will be available for a period of at least a year is a great advantage in order to enable them to go on with necessary and important works in the stages before it has been possible to establish a regular labour force."

CHAPTER II

CHINESE EMIGRATION TO CANADA, AUSTRALIA, AND NEW ZEALAND

THE movement of Chinese coolies under the credit-ticket system into British Malaysia gave rise to a contract system of labour sanctioned by law. But neither in Canada nor in Australasia was the law cognizant of such a labour system as involved in the Chinese immigration that commenced during the fifties of last century. The decision of the Canadian and Australasian peoples that the steady movement of Chinese into their midst must be restricted arose from no fine sense of the abuses to which the coolie might be subjected during the period of his bondage. The masses of these young British dominions were more than labourers—they were colonists. They were not unacquainted with the political and economic creeds of revolutionary Europe, nor were they unaware of the opportunity offered to them of creating a society in which a life of economic well-being and social security might be lived by all their members. They feared that the large immigration of Chinese coolies might frustrate their hopes. They were not without power to rid themselves of the object of their fear.

Before the opposition of the British-speaking peoples of the Pacific to Chinese immigration can be understood, the nature of that immigration must be explained. In the Straits Settlements, the Special Committees appointed to investigate the subject had no difficulty in obtaining sufficient information for their purpose. The number of Chinese emigrating to the Straits Settlements under obligation to the brokers represented only a small percentage of the total emigration of Chinese to that colony. The majority

of the Chinese business men were not directly concerned with the system. Indeed the respectable Chinese were themselves opposed to the abuses to which the credit-ticket emigration was at times subjected. They approved a policy of regulation. They were sufficiently powerful to prevent any legislation of which they disapproved, if such a course were necessary. But of the Chinese emigration to Canada and Australasia the facts were otherwise. Most of the wealthier Chinese merchants in those dominions appear to have been directly interested in the coolie system under which the great majority of their fellow-countrymen were introduced into the British communities. They displayed a "faculty of keeping things to themselves." Under these circumstances it is not surprising that reliable information on the nature of the credit-ticket emigration to Canada and Australasia is scanty and inadequate. Such evidence as does exist was taken in British Columbia for the information of the other Canadian provinces little interested in the question. In Australia the agitation against Chinese labour was not local to any one state but common to them all. They did not wait for the appointment of a Royal Commission before introducing their restrictive legislation. However, it is apparent from the available information that the Chinese immigration into Canada and Australasia was carried on under a system similar to that in operation in California, 1850–82. The reports of the U.S.A. Commission on Chinese immigration into the latter state, 1876–7,[1] and of the Canadian Commissioner to San Francisco, 1884,[2] are therefore valuable though incomplete documents, and it seems desirable to preface a study of the "Chinese question" in the British dominions by a description of the emigration system outlined in the evidence there recorded.

(*a*) THE CREDIT-TICKET SYSTEM IN CALIFORNIA

It was the lure of the gold-fields that first led the Chinese to California in the early fifties of last century. So much is

[1] U.S.A. Report Chinese Immigration, 2nd Session, 44th Congress, 1876. A short abstract of this evidence is given as Appendix I, *Canadian Commission*, 1884.

[2] *Canadian Sessional Papers*, 1885, No. 54 A. Mr. Chapleau's Report.

evident. But it is difficult to fix the exact origin of the credit-ticket system. Successful Chinese miners probably remitted money on loan to their friends or relatives to enable them also to seek their fortunes in the new world. But there is no doubt that the greater part of the Chinese emigration to California was financed and controlled by merchant brokers, acting either independently or through the Trading Guilds. Mr. T. H. King, merchant of San Francisco and formerly in the U.S.A. Consulate, Hong Kong, stated before the Commission, 1876, that the original principals of the "passenger trade" to California were Wo Hang and Hing Wor, portrait painters in Hong Kong, 1850–1.[1]

There is no evidence of the nature of the system prior to the shipment of the coolies from Hong Kong, nor have the terms of agreement between the emigrant coolie and his creditor been adequately described. The latter were responsible for the coolie's passage. In consideration for this expense incurred, Mr. T. H. King stated that the coolies entered into contracts to serve the brokers or their agents for a term of years.[2] But he may have been confusing credit-ticket emigration to California with contract emigration to the Southern States, 1869–70. Certainly if such service contracts for a definite period of time existed they were not visible after 1870, from which date service contract emigration from Hong Kong was allowed only to British territory.[3] It was the opinion of several of the witnesses, 1876, that the credit-ticket system was based not on service-contract but on debt-bondage. "That is as far as I got it from the Chinamen," said Mr. Vreeland, deputy-Commissioner of Immigration.[4] Governor Low supported this view—they were free when they had paid their debts.[5] Mr. Bee, Attorney to the Chinese companies, declared that the obligation under which the coolies laboured was the repay-

[1] *Canadian Sessional Papers*, 1885, No. 54A. Appendix I, p. 192.

[2] *Ibid.*, p. 188.

[3] The Act of Congress, 1862, passed with the object of preventing contract emigration to U.S.A., failed in its object, owing to an alternate interpretation of terms. Definite contract emigration was effected to U.S.A., 1869–70. See below.

[4] *Canadian Sessional Papers*, No. 54a, 1885, Appendix I, p. 209.

[5] *Ibid.*, p. 187.

ment of a debt. "There is not a Chinaman here who comes under a servile contract." [1]

The fate of the "unpaid passenger" on arrival in California was very different to that of the Sinkheh in the Straits Settlements. In the British Colony the brokers recovered the profits of the emigration system as quickly as possible by selling to an employer their lien on the services of the Sinkheh. The interest of the broker in the transaction was then at an end. But in California the coolies either worked for the agents on the mines or were hired out to employers. They remained directly indebted to the brokers, repaying the expenses of their introduction in monthly instalments at a rate of interest that ranged from 4-8 per cent. per month. This long-term indebtedness necessitated a continuous and stringent control by the agents over the movements of the coolies until the latter freed themselves from obligation. This control was exercised through the Six Chinese Companies.

The actual constitution of these Companies is difficult to determine. They were said to represent the six districts of the Kwangtung province. The Chinese merchants in San Francisco were the officials of the companies—a fact that gave rise to the opinion that the companies were only merchant firms trading in goods and persons. Colonel Bee, Attorney to the Six Companies in 1876 and Chinese consul 1884, denied that they had any functions other than those of a benevolent institution. "It cannot be a fact that the Chinese Companies ever have brought any immigrants to the country. It is entirely outside of the functions of their organization and hence a matter in which they have no interest." [2] But the evidence seems to prove that the Six Companies were provincial clubs as described by Mr. H. B. Morse in *The Gilds of China*. When a native of one Chinese province had occasion to reside in another province he was regarded as an alien. Through the agency of the provincial club he associated with others of his native province in order that by union they might protect their common

[1] *Ibid.*, p. 182.
[2] *Ibid.*, p. 19.

interests against their "foreign" countrymen.[1] The Six Companies of San Francisco differed from the provincial clubs of China only in their distance from the home province, in their establishment among a people of alien race, in the unusual proportion of the "coolie"-members. Like the provincial clubs the Chinese Companies kept in close touch with the trading guilds of the seaports. Their functions being defensive of their interests, their organization was autocratic, the merchants tending to become permanent officials. Vested in this manner with a traditional power of unlimited extent, they were in a strong position to secure the repayment of any advances made to, or expenses incurred on behalf of, any member of the Companies by the coolie merchants in China or by the trading guilds. All Chinese arriving in California under the credit-ticket system were obliged to register with the Company that corresponded to their native district, the officials of which would be their creditors or the agents of their creditors. Minute records were kept by the Companies. If there were any dispute between members of a Company, they were obliged to bring it before the officials for arbitration. There is no doubt that tribunals were held in California by the Chinese Companies in which civil and, on occasion, criminal[2] jurisdiction was exercised. In 1884 Colonel Bee denied the latter charge, "but as to trying a man for a criminal offence, it is not true, or that they inflict punishment." [3] Mr. Bryant, Mayor of San Francisco, in evidence stated he had been informed by the Six Companies that they settled their differences by "fine or punishment." [4] Apparently on occasion the punishment of death was meted out to a recalcitrant member, but there is no evidence to prove that

[1] Mr. Morse (p. 40) cites the objects of the Ningpo Club at Wenchow. "Here at Wenchow we find ourselves isolated. Mountains and seas separate us from Ningpo, and when in trading we excite the envy and hostility of the Wenchow traders and suffer insult and injury, we have no adequate means of redress. Mercantile firms, if each looks after its own interests, will experience disgrace and loss, the natural outcome of isolated and individual resistance. It is this which imposes on us the duty of establishing a club."

[2] *Canadian Sessional Papers*, 1885, No. 54 A. H. Ellis, Chief of Police, p. 205.

[3] *Ibid.*, p. 20.

[4] *Ibid.*, p. 211.

this was by the decree of a tribunal. It was stated by the police officers before the Commission, 1876, that Chinese notices had at infrequent intervals been posted offering rewards for the assassination of certain persons mentioned by name.[1] The "high-binders" or "hatchet men" of San Francisco were no doubt comparable to the Samsengs or fighting men of the Straits Settlements. "Many of them . . . are accustomed to carry concealed about their persons or disguised as a fan, formidable deadly weapons."[2] Mr. Morse, in describing the power exercised by the provincial clubs over their members, wrote,

> "Their jurisdiction over their members is absolute, not by reason of any charter or delegated power but by virtue of the faculty of combination by the community and of coercion on the individual which is so characteristic of the Chinese race."[3]

In addition to any means of direct coercion at the disposal of the officials of the companies, they had secured the interests of themselves or of their principals by preventing the escape from their control of any coolie whose debts had not been repaid. There was an agreement[4] between the six companies and the Pacific Steamship Companies by which no coolie was allowed to return to China until he obtained a permit stating that he was clear of debt on the books of the company and of the company's members. Mr. Gibson, the organizer of a Christian School for Chinese, had secured the right to have his certificate recognized for his converts equally with the permits issued by the companies. That the shipping companies and the Chinese companies worked in close co-operation was evidenced by the difficulty which confronted the supervisors of the city when they tried to repatriate coolies suffering from leprosy—the shipment having to be effected in the end in a clandestine manner. This co-operation is easily explained. The Chinese merchants by providing the passengers and a

[1] See, e.g., *Evidence, Chief of Police*, p. 205. *Ibid.*
[2] *Ibid.*, Report by Chapleau, lxxxi.
[3] P. 27, *The Gilds of China.*
[4] *Canadian Sessional Papers*, 1885, No. 54 A. Chapleau's Report, xviii., also Appendix ¶. p. 267.

large part of the merchandise, had made possible the employment of the 400,000 tons of American shipping engaged in the China trade. Under these circumstances—

"coming here ignorant of our laws, language and customs, with these six companies or any one firm or company telling him what his duties are, with the surveillance that they exercise over him and with the arrangement which . . . I know they have with the steamship companies . . . it is very natural that (the coolie) will pay his pro rata per month until he works out his debt." [1]

There is very little evidence of the actual effect on the coolie of this credit-ticket system. If he paid his regular monthly instalment there is no reason to suppose that the control of the companies was oppressive. As a rule the coolie's wages were low—"that is his *raison d'être.*" And of these wages he could retain little for his own support. But it probably gave him more than he had had in his impoverished home in China. In California he slept in crowded and filthy tenements.

"I found these people living in big tenement houses and large numbers crowded in individual rooms and underground without proper ventilation, with bad drainage and a great deal of filth. . . . They have passages which go from one street or alley to another and in all these underground places where I have been I have found people sleeping." [2]

But the conditions were, perhaps, no worse than those to which he had been accustomed. Colonel Bee declared that the companies were "benevolent societies." [3] The coolie was provided with food and lodging when unemployed —the company acting as an unemployment insurance agency. Nominally his company cared for him if he were ill, though actually the sick coolie seems to have been cruelly neglected. "Their own sick in the little hospitals are treated inhumanly," [4] stated Dr. Meares, city health officer. If the coolie were charged in an American court, the company provided the means for his defence. If he died

[1] *Canadian Sessional Papers*, 1885, No. 54 A. Chapleau's Report, p. xxvii.
[2] *Ibid.*, City Health Officer, Dr. Meares, Appendix I, pp. 197–199.
[3] *Ibid.*, p. 19. [4] *Ibid.*, p. 198.

while in California, his company returned his body to China that it might lie in the ancestral soil. The most serious effects of the system on the coolie must have resulted from its exclusively male character. He was deprived of family life. He could not have repaid the costs of introducing a wife and children. His sexual desires were gratified in the infected brothels furnished by the Hip-ye-tung Society,[1] with the poor victims of a cruel debt bondage.

When the coolie had freed himself from obligation, he was permitted to escape from the labour-system of California to the society of China. There is no evidence of the average length of time required to this end—except the address purporting to be written by the companies for the citizens of the U.S.A. and read in evidence by Mr. Bee, Chinese Attorney, before the Commission, 1876.

> "Many Chinamen have come, few have returned. . . . They have expected to come here for one or two years to make a little fortune and return. Who among them ever thought of all these difficulties? Expensive rents, expensive living though wages are low. Yet they are compelled to labour and live in poverty, quite unable to return to their native land."

But whatever the result of the credit-ticket system on the social welfare of the coolie, there is no doubt of its effect on the economic development of California. In California during the early period of its history white labour was scarce, irregular and expensive. But the only limit to the numbers of Chinese coolies whom the brokers were prepared to export was the amount of remunerative employment that could be made available. Between the years 1852–75 Governor Low estimated (1876) that some 200,000 Chinese had immigrated into the U.S.A.[2] The greater number of these immigrants were, no doubt, destined for California. There is no evidence of the number of Chinese, living or dead, who returned to China during this period, but in 1876 the Chinese merchants estimated that there were 148,000 Chinese in California. A small proportion of this number

[1] This Society was independent of the six companies.

[2] This was probably approximately correct. In 1884 Mr. Huang Isun Huin, Consul-General, stated that during the years 1852–78 230,430 Chinese immigrated into the U.S.A.

were free immigrants or immigrants indebted only to their relatives. The remainder, estimated by the Deputy-Commissioner of Immigration at 80 per cent. of the whole, and by other witnesses at a still higher percentage, were introduced under the credit-ticket system. The numbers introduced in any one year depended on the state of the labour market—a large impetus being given by the construction of the Canadian Pacific Railway, 1868–72, and by the development schemes, 1873–5.[1] But not only was the supply of Chinese coolie labour always sufficient for the demand, coolie labour was docile labour—wages must be earned if the debts were to be repaid. Moreover, the system freed the employer from the annoyance of dealing with the individual labourer. When the former required a labour force he could go to a Chinese merchant and contract for it. The coolies were then supplied under the control of a headman. If there was a complaint against a coolie, it was made to the headman. The coolie was removed. If one morning the headman found that some of his men were sleeping off an opium debauch, he was always in a position to secure the same number of substitutes. This power of substitution may have been partly responsible for the general praise accorded by the employers to the reliability of their Chinese labour force: "The staying power of the Chinaman at railway work may, therefore, have been deceptive." [2] But there is no doubt that the majority of coolies were capable of continued hard work. "To-day if I had a big job of work that I wanted to get through quickly . . . I should take Chinese labour to do it with because of its great reliability, steadiness and capacity for hard work," stated Mr. Crocker, one of the five proprietors of the Central Pacific Railway.[3]

[1] Governor Low gave figures (p. 185):

1852	20,000	1858	5,000	1864	2,000	1870	10,000
1853	4,000	1859	3,000	1865	3,000	1871	5,000
1854	16,000	1860	7,000	1866	2,000	1872	9,000
1855	3,000	1861	8,000	1867	4,000	1873	17,000
1856	4,000	1862	8,000	1868	11,000	1874	16,000
1857	5,000	1863	6,000	1869	14,000	1875	18,000
				Total			200,000

[2] 1884, Chapleau's Report, xxvii.

[3] *Ibid.*, xvii.

And coolie-labour was cheap labour compared with that of the white man. The wages of the latter had to support not only himself but his family at a time when the cost of living in the sparsely populated territory of California was very high.[1] It is true that the coolie after having acquired a certain skill in his work and knowledge of his circumstances, was not slow to demand, perhaps at the instance of some superior power, an increased remuneration. But there was always sufficient cheap and unskilled labour to attract the capital investment necessary for a rapid economic expansion. To this end there is no doubt that the credit-ticket system was a valuable economic asset. Mr. J. S. Brooks said, 1876, "I have seen San Francisco grow up from a few tents and adobe houses to a great commercial city." It was estimated by the assessor of San Francisco that in 1876 there were some 30,000 Chinese in the city employed in domestic work; cigar and clothing trades; boot, shoe and slipper manufacture; canning fruits and pickle factories, fisheries, laundries, market gardening, restaurants, etc. But this quick development of San Francisco as a manufacturing and business centre only kept pace with the general development of the state of California.

The Chinese merchants supplied the European contractors with the labour necessary for the construction of the Pacific section of the Central Pacific Railway after the continued efforts of the contractors to secure an adequate number of white labourers had failed. And this railway was a necessity if California was to be brought into touch with the life and commerce of the Continent. The Chinese coolies had built local railways, canals, roads, telegraphs. They were engaged on the large schemes of reclaiming the rich tule lands of the Sacramento and St. Joaquin deltas. In the harvest-time they "dotted the fields from one end of the state to the other."[2] They dug potatoes. They gathered strawberries and grapes.[3] It is true that they did little skilled work: as a rule they were not employed

[1] *Ibid.*, p. 23, Chief of Police, San Francisco: "I do not exaggerate when I say that they can live 75 per cent. less than the white men."
[2] *Ibid.*, Chapleau's Report, xxx., Colonel Bee.
[3] *Ibid.*, xxxii.

for heavy or dangerous tasks: they failed as teamsters. But while this "steady stream of the living and the dead" passed to and fro between China and California, the profits of the Chinese merchants were large; the economic development of California was rapid. Nevertheless, in 1882 the stream was dammed back—it was by the will of the American people.[1]

This brief discussion of the credit-ticket emigration to California and of the labour system that it there involved will serve to supplement the available information on the "Chinese problem" in British Columbia and Australasia.

(*b*) CANADA

The discovery of rich placer beds, 1858–64, attracted a heterogeneous crowd of adventurers to British Columbia—among whom were large numbers of Chinese. When the first eager hopes proved delusive, many of the European miners left the country to seek their fortunes elsewhere, so that during the sixties and seventies—that "long period of depression, of little enterprise, of great shrinkage of values" which preceded the gradual revival of interest in British Columbia—European labour could not be obtained in any sufficient quantity to attract capital investment. The Canadian Pacific Railway was not yet constructed. The cost of the journey for European immigrants through the United States of America was almost prohibitive and those who ventured it were often tempted to remain in the latter state. An illustration given by Mr. Justice Crease 1884 [2] is typical of the result. The European settlers who remained in the province had at first to do all their own household work. They chartered ships for the introduction of female servants, who were under an agreement to refund the cost of their passage. But the immigrants married within short periods and only in few instances were the expenses incurred in their introduction recovered. The settlers then tried to introduce Kanakas from the Sandwich Islands, but the experiment was a failure. They then

[1] Chapleau's report, 1884, p. cvi. [2] *Ibid.*, p. 142.

turned to some of the Chinese coolies who had remained on the gold-fields—and at last they were satisfied. Gradually Chinese labour was employed on the farms. Coolies provided the unskilled labour force for public works. They were introduced on to the coal mines. The rapid development of the salmon-canning industry after 1878 depended on them. It was finally decided by Mr. Onderdonk, Contractor for the British Columbian section of the Canadian Pacific Railway, that Chinese labour was necessary for that vast undertaking and in 1882 some 5,000–6,000 coolies were shipped direct from Hong Kong to Victoria under engagement to the Contractors of the Canadian Pacific Railway.[1]

According to the Census of 1881 there were at that date some 4,350 Chinese in the province, out of a total population of 49,459, of whom 25,661 were Indians. During the four fiscal years 1881–4 the number of Chinese who arrived in British Columbia from the United States of America or direct from China was 15,701.[2]

It was this comparatively rapid increase in numbers that roused the majority of the British Columbian people to a determined agitation against Chinese immigration. For more than a decade there had been a continuous demand by certain members of the community for some form of restriction. So early as February 26, 1872, a motion for the imposition of a per capita tax on all Chinese within the province had been put to the Legislative Assembly of British Columbia by Mr. Robson. But he was denounced as a demagogue and the motion was lost 7–15. A like result followed the resolution proposed two days later that no Chinese should be employed on the public works either of the Province or of the Dominion. In 1876 a further unsuccessful attempt was made by a private member to secure the imposition of a $10 poll-tax on every male over eighteen years of age who wore a queue—the definition being calculated to avoid nominal discrimination.

[1] *Ibid.*, Evidence, Robert Ward, p. 84. These coolies apparently emigrated under definite service contracts with foreigners, and not under the credit-ticket system.

[2] No evidence was given of the number of Chinese who died or returned to China during the same period.

But the temper of the people was changing. The demand for restriction became more insistent. The new ministry of 1878 decided to test the powers of the Province in the matter of alien legislation and in August of that year was passed an Act which provided that every Chinese male over twelve years of age should take out a licence every three months, paying for it $10 in advance. The Act was declared *ultra vires* by the provincial court. Legislative discussion was therefore transferred to the Dominion Parliament. But the motion put 1878 that no man wearing his hair longer than 5½ inches should be deemed eligible for employment on the Canadian Pacific Railway was supported only by members from British Columbia. As yet Chinese immigration was confined to the latter province. It was a local matter. Moreover, as the Premier pointed out, the construction of the Canadian Pacific Railway might be still longer postponed if such a motion were carried.

Again in the following year a petition from Mr. Noah Shakespeare and some 1,500 labouring men was presented to the Canadian House of Commons by Mr. De Cosnos. The petitioners asked that a restrictive Bill similar to the recent Queensland Act should be introduced; that Chinese should not be engaged for work on the Canadian Pacific Railway, and that the Act of British Columbia imposing a local rate on Chinese should be allowed. Mr. De Cosnos moved that the petition be referred to a Select Committee. He pointed out that nearly the entire English-speaking population living on the shores of the Pacific—the people of California, of Australia, of British Columbia—were opposed to Chinese immigration. He warned the House that in the past Chinese hordes had scourged the peoples of Western Europe. Now again "they were on the move." He quoted excerpts from the Reports of the U.S.A. Commission, 1876, and of the Special Committee of California, 1877, to illustrate the highly organized system of Chinese immigration. He was aware that under the terms of the Convention of Peking, the Chinese might claim a Treaty-right of entry. He was aware also that many of the coolies entered British Columbia viâ San Francisco, and that there were treaties

between the United States of America and China. But treaties could be modified. He urged that the matter be referred to a Select Committee. The members for British Columbia supported Mr. De Cosnos. The Prime Minister was willing that evidence should be taken on the subject and the motion was agreed to on division. A Special Committee was therefore appointed under the chairmanship of Mr. De Cosnos. They examined Members for British Columbia in the Dominion Parliament, but did not proceed to that province to take evidence.

On May 14, 1879, the Report was issued.[1] The Committee were of the opinion that Chinese immigration ought not to be encouraged and that Chinese labour should not be employed on Dominion public works. They did not definitely advocate restriction. The recommendation that Chinese should not be employed on public works was not adopted. The preparations for commencing work on the Canadian Pacific Railway were nearing completion, and if the railway was to be constructed as soon as possible, Chinese labour must not be disallowed. It was introduced. But as a result of the large importation of Chinese, 1882–4, for this work, the demands from British Columbia for prohibition of Chinese immigration forced the Dominion Government to take a more active interest in the question. On the motion of Mr. Noah Shakespeare, March 19, 1884, in the House of Commons, that there should be a total exclusion of Chinese immigration, the Premier promised that a Commission should be issued for a full and complete investigation of the whole subject. The Premier was no doubt influenced in his promise by the determined attitude of the British Columbian legislature during the last Session in passing the three Anti-Chinese Acts, which prohibited Chinese from acquiring Crown lands, provided for the regulation of the Chinese population in British Columbia,[2]

[1] *Canadian Sessional Papers*, 1879, Report of Special Committee on Chinese Emigration.

[2] This Act imposed an annual tax of $10 on the Chinese immigrants and gave the police extensive powers to demand a tax receipt from any such Chinese immigrant. Mr. Lew Ta Jen, Chinese Minister in London, strongly protested against the Preamble of the Act (C 5448 Appendix 1). He quoted the words of Mr. Justice Crease to the effect that "it looks

and excluded Chinese immigrants from entering British Columbia in the future—the latter act being disallowed. Moreover, the Imperial aspect of the question had changed. In the previous discussions it had generally been assumed that Chinese subjects had a treaty-right to enter British dominions under the terms of the Convention of Peking.[1] The Chinese Minister in London claimed such a right for his countrymen. But the 5th Article of the Convention was drafted under peculiar circumstances and for a distinct purpose. It sanctioned the emigration of Chinese subjects under British contracts of service. It had no reference to free or credit ticket emigration. The Queensland Act of 1877 was therefore not disallowed by the Imperial Government—nor was the restrictive legislation passed by other Australian States in 1881. The Imperial Government would not interfere with similar Canadian legislation. And further, the United States of America by Treaty had prohibited the immigration of Chinese labourers into California. It was a near example. Moreover, it was pointed out that friction had already occurred between Canada and the United States of America as a result of the smuggling of coolies across the Canadian frontier.

It must have been evident to the Prime Minister that a full investigation could not be long delayed. Accordingly on July 4, 1884, a Commission was issued to the Hon. J. Chapleau, Secretary of State, and to Mr. J. Gray, Judge of the Supreme Court of British Columbia. Mr. Justice Gray took evidence and reported on the subject of Chinese immigration into British Columbia. Mr. Chapleau proceeded to San Francisco in order to investigate the problem

like a bill of indictment as against a race not suited to live among a civilized nation." It reads:—

"Whereas the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant and the population so introduced are fast becoming superior in number to our own race, are not disposed to be governed by our laws, are dissimilar in habit and occupation from our people, evade the payment of taxes justly due to the Government, are governed by pestilential habits, are useless in cases of emergency, habitually desecrate graveyards by the removal of bodies therefrom, and generally the laws governing the whites are found to be inapplicable to the Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community."

[1] See below, page 62.

as it was known there. The Parliament of Canada was to have "all the information which the legislative bodies of the U.S.A. and Australia had when they undertook the work of legislating on this question." The evidence taken in California, where the coolie immigration was of older date and on a larger scale than in British Columbia, supported the contentions of the Anti-Chinese witnesses in the latter province and proved of considerable value to their cause.

It was generally admitted that Chinese coolie labour had been a valuable economic asset to British Columbia. The presence of the Chinese had made possible the rapid economic development of the province during the period when European labour was difficult to secure. Anti-Chinese advocates protested that the value of the coolies had been exaggerated since their competition had discouraged the settlements of Europeans who would have filled some of the places occupied by them. Mr. Justice Gray declared, however, 1884, "It may be questioned whether a single industrious *bona fide* intending white settler was ever prevented from coming to British Columbia from fear of Chinese competition alone." [1] Probably no active encouragement had been given to Europeans to induce them to undertake the arduous journey to British Columbia. It was noticed by Mr. Chapleau that the exclusion policy adopted by Congress U.S.A. had resulted in an immediate campaign by emigration agents in the eastern states to secure white labourers for California.[2] But even had an active policy of white immigration been adopted, it may be doubted whether sufficient Europeans would have been attracted to British Columbia prior to 1884 to make possible the economic development that had been achieved by that date.

The arguments against the immigration of Chinese coolies were not so direct as this simple argument in its favour. Agitation tends inevitably to exaggeration. It adopts the language of panic. It distorts proportions. Nevertheless, these arguments determined the subsequent legislative inter-

[1] *Canadian Sessional Papers*, 1885, No. 54 A, Gray xi.
[2] *Ibid.*, Chapleau, cxxxiii.

vention of the Dominion Government, for, as the Hon. Mr. Chapleau wrote in his Report,

"The people sometimes, as it were, scent danger in men or measures or movements without being able to analyse the source of their alarm . . . though a man's logic is weak, what he advocates may be sound and when you have covered some or all of his arguments with ridicule and discomfiture it does not follow his cause lies prostrate with himself." [1]

The moral and social conditions of the Chinese immigrants were emphasized. Witnesses described Chinatown. Its crowded tenement life was to the British settler the distinct mark of an inferior civilization. As Commissioner Gray pointed out, there had never been a density of population sufficient to render such scenes possible among the whites.[2] The persons of the coolies were clean, but in their quarters

"the air is polluted by the disgusting offal with which they are surrounded and the vile accumulations are apt to spread fever and sickness in the neighbourhood." [3] "There is no question that the Chinese quarters are the filthiest and most disgusting places in Victoria, overcrowded hotbeds of disease and vice." [4]

Arguments as to the danger of epidemics resulting from these conditions were exaggerated—only one outbreak of smallpox in British Columbia having been traced to Chinatown. Moreover, as Commissioner Gray pointed out, much of the filth could have been removed by the efficient administration of necessary legislation. The most serious danger to the health of the general community from the presence of the masses of Chinese males [5] was the spread of syphilis. Dr. McInnis, in giving evidence before the special Committee of 1879, had stated that most of the Chinese in British Columbia were suffering from the most virulent form of syphilis and that from them it was spreading rapidly amongst the Indians.

Arguments advanced against the Chinese on account of the filth of their overcrowded quarters, the opium smoking,

[1] *Canadian Sessional Papers*, 1885, No. 54A, xiv. [2] *Ibid.*, Gray, lxiv.
[3] *Ibid.*, lxiii. [4] *Ibid.*, lxiv.
[5] In 1884 there were only 154 Chinese females in British Columbia, of whom seventy were prostitutes, the others being the wives or concubines of the merchant class.

the gambling, the syphilis, cannot be dismissed in the easy manner of Colonel Bee, " I care nothing about the filth of Chinatown . . . these mud sills are at the bottom of our success." But there is no doubt that their force was exaggerated. They leave the impression that the opponents of Chinese immigration were presenting their case in the manner best calculated to impress respectable Canadians. It was the effective competing power of the Chinese in the unskilled labour market of the province that had first determined the opposition of the "labouring classes" to Chinese immigration. There is no evidence to prove that Chinese labour had entered into competition with white labour to any appreciable extent in British Columbia by 1884. The immigrant pioneers were as a rule skilled workers—while the Chinese coolies were confined exclusively to unskilled work. "An instance cannot be named where a sober, industrious, frugal and ordinarily sensible labouring man has ever failed to make a comfortable living in British Columbia,"[1] Judge Gray declared. Nevertheless, by the eighties circumstances were changing. A new generation was growing up. Where were the growing boys and girls to find work if all the unskilled occupations were controlled by the Chinese? Mr. Robins, Superintendent of the Vancouver coal mining company, stated in evidence that when Chinese labour was easily obtained white youths found it difficult to get employment. As a result, "there is growing up amongst us a class of idlers who will not conduce to the well-being of the state."[2] The evidence taken by The Hon. Mr. Chapleau in San Francisco supported the arguments of the British Columbian witnesses who opposed Chinese immigration on account of its future competitive effect on white labour.

Moreover, if the presence of the Chinese had not as yet seriously affected the employment of the white labourer, it had already lowered his status. The Chinese were useful to the employers in breaking the power of the Trade Unions, and had been used as a weapon by the former to settle

[1] *Ibid.*, Gray, lxix. [2] *Ibid.* xvii.

industrial disputes.[1] As Colonel Bee explained, the Chinese "enabled the well-to-do white to hold a balance of power as against Bridget and the Trade Unions." [2]

It was argued by the opponents of Chinese immigration that this competitive power of the coolies was the result of their inferior social qualities and not of their superior working capacity. They declared that the coolies had the economic advantage of their lower standard of life. "The white man handicapped with the responsibilities of his civilization, the Chinaman prepared to struggle for his solitary existence—the result is inevitable," declared Mr. Noah Shakespeare to the House of Commons, March 19, 1884. "Look at one of our saw-mills employing other labour than Chinese," said Mr. J. Kennedy, partner in the firm of De Beek Bros., 1884.

"In the immediate neighbourhood there springs up quite a village with stores, school-house, church and other places of public benefit, while a cannery with the same capital invested and employing mostly Chinese, will only show one large barn-like building for their use and probably one or two houses for the proprietors and overseers." [3]

Mr. Kennedy was arguing the value of a society as contrasted with an economic system. But the competitive strength of the latter in the labour market was the greater. The brokers' agents who hired out the coolies were always able, if necessary, to underbid the wages demanded by the white man. The Chinese required less expensive foods. They were more easily suited with accommodation.

"You cannot get any class of white labourers that I know of who will, for the sake of economy, pack themselves to the extent, say, of twenty persons in a room 10 by 12 and sleeping three in a bed, there being three tiers of beds one on top of the other, and all the household furniture in the house wherein twenty labourers live not being worth more than $2.50," said Mr. Barnard, M.P. in 1879.[4]

There was a marked difference in social responsibility. The frequent assertion that the Chinese coolie only had his own

[1] *Canadian Sessional Papers*, 1885, No, 54A., Gray's Report, p. xvi.
[2] *Ibid.*, Chapleau's Report, xciv. [3] *Ibid.*, p. 106.
[4] Special Committee on Chinese Emigration, 1879, p. 40, Appendix 4.

livelihood to consider is untrue. It is evident that considerable remitments were sent by the coolies not only to their brokers but to their families in China. But of course the amount of money necessary to support a family in China on the lowest standard of life was not comparable to the high cost of maintenance in British Columbia. The little cottage with its garden, the dear domestic comforts, the education of the children were responsibilities which the Chinese coolies did not know. As a rule their wages were undoubtedly lower than the wages necessary to support a white man's family. Whether coolie labour was therefore cheap labour it is difficult to determine. There was no system of cost-accounting. Evidence was given before the U.S.A. Commission that the coolies were able to perform on railway construction in a given time an amount of work equal to the output of Europeans. But in Canada the general opinion tended to place a distinctly higher value on the capacity of the latter. It may be that the peculiar attraction of coolie-labour was not so much that it was cheap as that it was docile. There is no doubt that the coolie was a more submissive and steady worker than the British labourer. When employed in any number they were hired from a Chinese merchant and placed under the control of a Chinese headman.[1] They were easily terrorized by a display of authority and it is apparent that the natural docility of the impoverished coolie was increased by the Guild system of control. The opponents of Chinese immigration declared that on the independence of the individual should be built the structure of the state. The coolies were industrial serfs.

That these arguments against the Chinese coolies as actual or potential economic competitors warranted the restriction of their immigration was denied by such an eminent authority as Mr. Justice Gray. In his opinion the coolie system should not be contrasted with a society but compared with labour-saving machinery.

"The Chinese in British Columbia . . . are living machines,

[1] The headman relied for his profits mainly on the sale of provisions to his coolie band.

differing from artificial and inanimate machinery in this, that while working and conducing to the same end with the latter, they are consuming the productions and manufactures of the country, contributing to its revenue and trade and at the same time expanding and developing its resources." [1]

But it was because there were fundamental differences between the introduction of Chinese coolies and the introduction of inanimate machines that the Trade Unions of British Columbia in their agitation had the combined support of the skilled and professional classes. In the first place the temporary displacement of unskilled labour caused by the introduction of machinery has generally been compensated for by the opening up of other suitable avenues of employment. But the Chinese coolies were not confined to any one industry or class of industry. There was no practical limit to their introduction other than the restriction of further economic development. While the emigration brokers secured their profits, means would be found to induce the impoverished millions of China to "move outwards." "Myriads of them are waiting," Mr. Shakespeare protested, in 1884, before the Dominion House of Commons. And further, machines were inactive save at the will of the employers who were also members of the community. But the Chinese coolies were under the direct control of their Company's officials. The nature of the organization amongst the Chinese was not clearly understood by their opponents. Nevertheless it appears from the evidence that the same Chinese companies which operated in California operated in British Columbia. In these Chinese "encampments in hostile territory," the controlling power of the merchant officials was absolute. The organization was highly efficient,[2] its end being the furtherance of Chinese interests.

[1] *Canadian Sessional Papers*, 1885, No. 54 A, Gray's Report, p. lxx.

[2] The nature of the organization was partly revealed by the efficient system of registration shown in the evidence sent in in 1884 to the Commission by the Chinese merchants.

Mr. Barnard, M.P., 1879 Report, p. 42, gave an amusing illustration. "A gentleman who had been unfortunate in obtaining white household servants applied for a Chinaman to serve him in that capacity. The Chinaman in charge to whom he made his application immediately turned over his books and said, 'Your name is ——?' 'Yes.' 'And you

The business acumen of the Chinese merchants and bosses gave rise to an uneasy feeling among some of the smaller employers. The Chinese knew too much to be in control of the formidable labour-instrument. The Chinese wage rate was low only for the encouragement of new industries or in competition with white labour. But merchants and labourers were not slow to drive a hard bargain when it was to their advantage to do so. The Chinese did not compete against each other, so that "the ordinary law governing demand and supply is entirely evaded by a higher law of compulsion." Moreover, they were not unacquainted with the industrial weapon of "cessation of work," whether for the attainment of economic or political ends. The immediate consequence of an attempt made to enforce the arbitrary British Columbian Act of 1878, later disallowed, was a significant and well-organized strike of Chinese domestic servants. Without warning, all the domestic labour of Victoria was suddenly withdrawn. Mr. Barnard in 1879 pointed out the essential difference between the Chinese company and the trade union.

"A man who joins a trade union has generally a family to support, and when he goes off on a strike it is only a question of a short time to bring him to his senses. What the effect would be of rich companies owning thousands of men in different parts of the world—men whom they could feed for the sum of from eight to ten cents a day per head—it would be impossible to tell, but if this thing is permitted to go on, I take it that one day the Chinese will control the labour market everywhere in the world." [1]

If this organized system of Chinese labour were indefinitely extended, the subtle-minded merchants would control a formidable power that might be exercised against the

ive at such a place?' 'Yes.' 'You give too many dinners. You have a lot of men coming to see you every Sunday. . . .' In fact the gentleman found this Chinaman had in his books a complete register of the whole of his family affairs, and at the end of the register was set down the price which he was required to pay in order to secure the services of a Chinaman. He also found that he could not get a Chinaman for anything less, and on making inquiries he discovered that they had a correct record, not of the standing of the servant who was to be employed, but of the standing of the masters who were to employ these men as servants."

[1] Report of Committee, 1879, p. 30.

interests of the British community. And the people were afraid. They believed that their social security was threatened by the low standard instrument of their economic success. They declared that the fundamental interests of the British community and of the Chinese companies were in conflict. They drew the Commissioners' attention, for instance, to the obstacles put by the Chinese in the way of the administration of British justice. Not only did the Chinese endeavour to settle their own disputes in their own tribunals.[1] They made it almost impossible for the officials of Justice to investigate the circumstances of a crime in which one or more of their number were implicated. Statistics of Chinese criminals were low compared with those of the whites and Indians,[2] but that did not necessarily mean that there was less crime among them. Mr Chapleau reported that when Chinese were concerned it was hard to make arrests and harder still to obtain convictions. And further, Sir M. Begbie, Chief Justice of British Columbia, gave written evidence in 1884 that in a case in the recent Victoria Assizes, it had been established to the satisfaction of the presiding Judge that the Chinese witnesses and interpreters were being terrorized, "by the threats of certain Chinamen alleged to belong to a secret association." [3] Dr. Swan, in evidence in California, stated that in a coroner's investigation "the impression left on us . . . was that there was some power behind that we could not grasp nor understand." [4] Mr. Justice Gray wrote in his report that:

[1] This, of course, was merely an unrecognized system of extra-territoriality.

[2] Return of Superintendent of Police of City of Victoria of the number of cases—Whites, Indian and Chinese—before the police court for five and a half years from January 1, 1879, to June 30, 1884.

Whites.	*Indian.*	*Chinese.*
291	255	75
295	233	69
354	194	24
375	211	53
394	217	43
305	153	32
2,014	1,263	296

[3] *Canadian Sessional Papers*, 1885, No. 45 A, Chapleau's Report, lxxxiv.

[4] *Ibid.*, lxxxiii.

"Prominent among these objections is the undoubted existence among the Chinese of secret organizations, enabling them to act as compact bodies in any community where they may be facilitating the evasion of local laws and the concealment of crime, our utter ignorance of their language and modes of thought placing the officers of justice in the power of interpreters, whose veracity is doubtful and whose integrity there are no means of testing. The power and extent of these secret organizations enable them to command a simultaneity of action throughout extended districts and to inflict serious injury upon a community while themselves not overtly violating any law so as to incur punishment." [1]

It gave a sense of insecurity to the people. Moreover, it was argued that the presence of such a large mass of unenfranchised men in the community would subvert its democractic purpose. But to give the vote to the coolies was simply to put a large political power into the hands of the Chinese merchants. "So far as the great body politic is concerned they are a fungus, a foreign substance, an unhealthy substance."

The Chinese company served the purpose of the credit-ticket system both in enforcing the repayment by the coolies of the expenses incurred on their behalf and in securing "the individual and collective interests of the body of aliens who constitute its membership." The members of the Company remained a "body of aliens" in British Columbia. They would not be absorbed. The objects of their social regard were in China. They came. Dead or alive they returned. And others came. They reared no children for the state and so the schools could not be made an instrument of union. They traded with their own merchants, who imported most of their food and clothing from China. With the exception of the domestic servants, British and Chinese remained mutually inarticulate —socially apart. The individual was not distinguished from the mass. The result was "irritation, discontent and resentment." The British hoodlum assaulted the Chinese coolie, the political agitator stirred a responsive audience on the "Chinese question" because there was something

[1] *Ibid.*, Gray, 1884, lxi.

strange and disquieting in the presence of the Chinese. The people feared lest the system under which the coolie was introduced and by which he was controlled might extend beyond the limit of their effective power over it. The strongest argument used by them against an unrestricted immigration of Chinese was, therefore, political. They assumed a right to establish a British community in the western province of Canada. They argued that in the end Chinese immigration, if unrestricted, would subvert their political purpose chiefly by the competitive power of the Chinese organization in the labour market of the province. They demanded that they be rid of this danger to the state.

As a result of their investigations both the Commissioners recommended a policy of moderate restriction of Chinese immigration into the Dominion.

The Commission's report initiated a change in Dominion policy. Prior to 1884 the attitude of the Dominion Government to the question of Chinese immigration had been one of indifference or restraint, the agitation being generally regarded as the work of labour officials and political demagogues, without respect for the principle of *Laissez-aller*. The evidence given before the Commissioners made it apparent, however, that the question was one of no small political importance.

In 1885 Mr. Chapleau introduced a Bill into the House of Commons which provided for a moderate restriction on the incoming of Chinese—vessels being limited to carry no more than one Chinese passenger to every fifty tons, and immigrants, with certain exceptions,[1] being obliged to pay $50 poll-tax before entering the Dominion by sea. In addition to these restrictive measures, the holding of Chinese courts was made illegal, though

> "nothing in this Section shall be construed to prevent Chinese immigrants from submitting any differences or disputes to arbitration provided such submission be not contrary to the laws in force in the province in which the submission is made."

The Bill became law, but its terms were too moderate to

[1] Members of the diplomatic corps, tourists, merchants, men of science and students, etc., were exempt from this provision.

satisfy the agitated province. During the next twenty years the ratio of Chinese to the total population did not decrease, despite the large immigration of Europeans. In 1881 out of a total population of 49,459[1] in British Columbia there were some 4,350 Chinese. In 1901 the population of the province totalled 177,272,[2] of whom 15,942 [3] were Chinese. The effect of the poll-tax had been not so much the restriction of immigration as a slight rise in the rate of wages paid to the coolies—their docility and steadiness making them even at an increased cost preferable as employees to the more independent white labourers.

The continued agitation of British Columbia against Chinese immigration was forced on the attention of the Dominion Parliament during each Session by the Provincial Legislature, by continued petitions from the people, by frequent motions before the House. In 1900 the poll-tax was raised to $100—an increase which the Legislature of the province declared " ineffective and inadequate " for the purpose of restriction. The agitation of the people of British Columbia against Chinese immigration was increased during 1900 as a result of the rapid influx of Japanese. In 1901 the Japanese immigrants numbered 4,578—the majority of these having entered the province within the year. They were considered more respectable than the Chinese, but their immigration was objected to almost as strongly as that of the latter race.[4] The greater number of them were financed by Emigration Companies in Japan and controlled by the Companies' agents during their period of labour abroad. They had the same competitive advantage of a low standard of life. They were obedient and imitative. They did not emigrate as settlers, and although they easily adopted the fashions of the British community they would not be absorbed into it. It was generally believed that they were under some political obligation to return to Japan within a period of time, or at the command of their Emperor.

[1] Of these some 25,661 were Indians.
[2] Of these only some 129,000 were whites.
[3] According to the statistics of the Chinese merchants.
[4] *Canadian Sessional Papers*, 1902, No. 54, Part II. Report on Japanese Immigration.

It was feared that they emigrated with the approval, if not with the active support, of the Japanese Government. Again it was a question of political continuity.

During May, 1900, two numerously signed petitions were forwarded from British Columbia to the Governor-General of Canada, pointing out the added seriousness of Asiatic immigration and demanding more adequate legislative protection. The petitioners declared that they were not unmindful of Imperial interests. They argued that the latter would be best served by the creation in the Pacific Province of the Dominion of a strong British community.

As a result of this continued agitation a second Commission was issued on September 21, 1900, by the Dominion Government for the investigation of the subject of Asiatic immigration.[1] The Commissioners, under the chairmanship of Mr. R. C. Clute, were attended from the first by Counsels for the Province of British Columbia, for the Chinese and for the Japanese. The two questions of Chinese and of Japanese immigration were, as far as possible, considered independently. The general arguments urged against the continued immigration of Chinese coolies were similar to those advanced in 1884. They do not need repetition. Moreover, in 1901 the attention of the Commissioners was directed almost exclusively to the changed circumstances of that date as compared with 1884 in the matter of economic competition between Chinese immigrants and British settlers. In 1901 there was no doubt that a considerable number of white labourers were seeking unskilled work in the province. Mr. J. W. Hay, Superintendent of the Salvation Army Shelter, stated in evidence that between 800–1,200 men had sought temporary employment at the shelter during 1900, the majority of them being, in his opinion, respectable men.[2] In their report the Commissioners explained[3] that skilled labourers often went to British Columbia on the chance of finding an opening in their trade and were willing, until such an opportunity offered, to do any unskilled work available. But even unskilled work was difficult to obtain,

[1] For the Reports with Evidence, see *Canadian Sessional Papers*, No. 54, 1902. [2] *Ibid.*, p. 205. [3] P. 204.

the Chinese and Japanese monopoly being almost complete. Nor was it only the artisan who was affected by Asiatic competition. A settler with small means could only afford to clear his land if he utilized the timber, marketed vegetables and when necessary secured other forms of outside work.[1] But there were Asiatic timber cutters, hawkers, unskilled labourers in competition. In the opinion of the Commissioners the effect of Asiatic competition on the future of the children of the province was even more serious, the occupations which usually afforded work for boys, girls and women being mainly held by the Chinese and Japanese.[2]

Nor was it to be expected that the latter would always be content with unskilled labour. Chinese were already employed as overseers and even as artisans. "The oriental substratum will not remain quiescent" declared counsel for British Columbia.[3]

In discussing the causes of this successful competition of the Chinese against the white labourers, considerable time was devoted by the Commissioners to the study of coolie conditions in China, "so important is the question of how these people live in China, what in short it costs to produce a competitor of white labour here." There was no question of the difference in the standard of life. The Commissioners agreed that it was established beyond all doubt that under present conditions the white labouring man could not compete with the Chinese, and decently support his family. "It is wholly illusory to say that wages are fair for the ordinary working man,"[4] they reported. Moreover, the Chinese did not take the place in the community of the British labourers against whom they competed. The competition was that of an alien organization of Chinese, the majority of whom were industrial serfs "paying tribute to non-resident capitalists." Counsel for the Chinese declared that no evidence could be produced to show that the Chinese emigrated under servile contracts. It was definitely denied by some of the Chinese witnesses that since 1882 any Chinese were under a "contract" of labour. But it was not denied that a great number of them were under bonds of debt.

[1] P. 276. [2] P. 211. [3] P. 296. [4] P. 277.

The people of British Columbia were not prepared to believe that the Chinese coolies who had immigrated into the province since 1885 had amassed by their own efforts not only the cost of their passage but the $818,033 gold dollars paid as capitation taxes.[1] It was shown to the satisfaction of the Commissioners that the resident merchant class exercised a strong influence over the immigrants of the labouring class, largely controlling the numbers coming into the country, and also that there were Chinese Boards of Trade in the several cities of the Province "whose objects are not confined solely to the advancement of trade but enter very largely into all the affairs of the immigrant after his landing in this country." [2] The Chinese

"form on their arrival a community within a community separate and apart, a foreign substance within but not of our body politic, with no love for our laws and institutions ; a people that will not assimilate or become an integral part of our race and nation. . . . They are so nearly allied to a servile class that they are obnoxious to a free community and dangerous to the state." [3]

In reporting the general demand for exclusion, the Commissioners stated that it was entirely erroneous to suppose that this view obtained mainly with the labouring classes.[4] They pointed out that of the 131 witnesses examined, 40 were employers of labour, 44 professional men, 18 merchants, 14 farmers and gardeners and 15 employees. Of this number 77 were in favour of total exclusion, 36 for higher restriction, 5 for the *status quo*, 7 gave no opinion and 6 were in favour of unrestricted immigration. The Commissioners were of the opinion that the only way to terminate Chinese competition was to exclude further Chinese from the province. As Counsel for British Columbia declared,[5]

"As long as you have got the desire to profit as the only cause operating between the master and servant, just so long will the master insist on obtaining as large a profit as he possibly can."

The Commissioners were moreover of the opinion that the economic interests of the province would not be seriously affected by a policy of Chinese exclusion. They examined

[1] Counsel for British Columbia, p. 289.
[2] P. 40. [3] P. 278. [4] P. 240. [5] P. 291.

the position of agriculture, mining, the lumber trade, the shingle business, the canning industry, the railways and domestic service.

With the exception of the large land-owners and of those who rented land to Chinese, the view of those who were especially interested in land-clearing, farming and settlement, "is voiced in the one word 'exclusion.'" White labour could be had for the farms at a reasonable rate of wages. In gold-mining the Chinese were confined almost exclusively to the placer mines and produced only a small fraction of the total output. In the coal-mining industry the manager of the largest exporting coal company where they were employed was in favour of total exclusion.[1] A large number of Chinese and some Japanese were employed in the lumber industry in 1901 in addition to white labourers. The largest exporter in the lumber trade was of the opinion that if further immigration of Chinese was prohibited, the labour requirements of the expanding industry would be met by the immigration of white families to be expected as a result of such a policy. Witnesses interested in the shingle business stated that it had developed to its large proportions by the use of Chinese labour which they continued to regard as a necessity. The Commissioners pointed out, however, that the industry had been developed very considerably in Washington State and Oregon by the exclusive employment of white labour. The salmon canneries almost exclusively employed Chinese—the fluctuating character of this industry having led to the development of a system of contracting out to boss Chinamen during the salmon season. It was the opinion of the Commissioners that the supply of Chinese labour for salmon canning was sufficiently large for present requirements and that future demands could be supplied by the training of whites and Indians. Chinese were no longer necessary for the railways. Of the 4,693 men employed on the Pacific division of the Canadian Pacific Railway in 1901 only 99 were Chinese and 70 Japanese. Moreover, railway charters granted by the

[1] The Chinese were regarded as dangerous workers underground, and were the cause of serious accidents in Nanaimo in 1887 and Wellington 1888, p. 273.

Legislature of British Columbia during recent years had expressly prohibited the employment of Chinese and Japanese both in construction- and operation-work.

One of the most valuable services rendered by the Chinese to the community was in their capacity of domestic workers. They were "honest, obedient, diligent and sober." They were always to be had when required, while white servants were often difficult to secure. The Commissioners were of the opinion that this scarcity of white servants was mainly due to the fact that there were few unskilled labourers' families in British Columbia, from which class servants were mainly drawn.

Their final conclusion was that there was already sufficient Chinese labour in the province to satisfy the immediate demands of employers and that in the future those demands should be met by an active encouragement of British immigration.

> "If the end to be sought is the building up of the nation and not the exploitation of these resources, the one vital interest to be secured above all others is an immigration of settlers of whom we may hope to make Canadians in the highest and best sense of the term." [1]

Their Report, therefore, recommended that in the future the immigration of Chinese labourers into Canada should be prohibited. They suggested that the most effective means of attaining this end would be the negotiation of a treaty with the Chinese Government. In the meantime they proposed that the existing legislation should be amended so as to provide for the imposition of a $500 poll-tax on all Chinese immigrants into the Dominion.

In 1903 the latter suggestion was adopted. An Act imposing a poll-tax of $500 was passed and is still in force.[2] But no treaty has been negotiated.

(c) AUSTRALIA

The question of Chinese immigration into Canada remained local to the Dominion. The agitated demands for restriction

[1] Counsel for British Columbia, p. 277.

[2] There have been different amendments, mainly insignificant, granting further exemptions from the provisions of the Act.

or exclusion came only from the Pacific province and were restrained by the Dominion Government until such time as it became evident that neither Canadian nor Imperial interests would be adversely affected by legislative intervention. But in Australia all the States were immediately concerned with the question—the only check on their determined action being the interference of the Imperial Government. The federation of the jealous Australian states waited on the pressure of a strong public opinion. But a pioneer community concerns itself with political affairs only when practical interests are directly involved. It was the common danger of an Asiatic influx that forced the Australian people to recognize the necessity of a political instrument for the realization of their common will, while it emphasized the fact that Australian and Imperial interests were not necessarily in accord. The significance of the Asiatic question in the federal history of Australia has been generally ignored.

The first attack by the Australian democrats on Chinese immigration formed part of a general campaign against indentured labour systems as leading "to the depreciation of labour as a sure result." During the forties of last century the squatters of New South Wales made continued efforts to secure a supply of indentured immigrants—their assigned convict labour having been withdrawn. As a result, Indians, Kanakas and Chinese were introduced into the colony under contracts of service. By 1849 the importation of Chinese had become "not a mere matter of experiment, but a regular and systematic trade." [1] On this issue, democrats and squatters were bitterly opposed. The former, many of them English Chartists and trade unionists, had left the overcrowded cities of the homeland to seek in the wide spaces of New South Wales "an ample room to live in." They were determined to prevent the frustration of their hopes by "the growing insolence and grasping propensities of our lordly landed interest." "No coolies, no coolies!" was their cry as they entered upon the epic struggle for Australian democracy at the New South Wales

[1] *The People's Advocate*, March 10, 1849.

election of 1848. "Let us lay the foundations of this empire in truth and justice." [1]

But the nature of Chinese immigration into the Australian colonies was completely changed by the gold discoveries of the early fifties. The contract gave place to the credit-ticket system. In 1853 news of the gold discoveries was circulating in the seaports of the Kwangtung province. In 1854 there were already some 2,000 Chinese miners on the Victorian gold-fields. In Victoria, as in California, this first contact between inarticulate masses of the west and east led to an immediate agitation on the part of the Europeans against the Chinese. "We were most of us unacquainted with the persons or the habits of these Asiatics." [2] It was rumoured that "all China was coming." Moreover, a conflict of economic interests was manifesting itself—the European miner declaring that the Chinese by their slovenly manner of mining prevented the ground from being re-worked, and that by their "clannish propensities" in obtaining the ground they reaped an unfair advantage over their competitors. There were unfortunate disturbances. As a result, when a Responsible Government was established in 1855, an Act was passed to restrict the immigration of Chinese into Victoria. By the Act the number of Chinese that any vessel might carry to the State was limited to one passenger to ten tons shipping and on all Chinese immigrants an entry-tax of £10 was imposed. Power was also given to the Government to levy a sum not exceeding £1 annually on Chinese residents. But the principal terms of the Act were evaded by the Chinese immigrants who landed, not in Victoria, but in South Australia [3] whence they entered the former state by land—walking across country to the goldfields. Though many died on the long march, by 1857 the number of Chinese on the Victorian fields had increased to 26,370 out of a total mining population

[1] *The People's Advocate*, May 12, 1849. "The Advocate" was a powerful democratic organ.

[2] Sir I. Murphy, in discussion on Agent-General for Queensland's address before Royal Colonial Institute, 1877, on Chinese in Queensland: R.I.C. Report, 1877.

[3] In 1856, 4,300; and in 1857, 10,325 Chinese landed in S.A. *en route* to Victoria.

of 82,428. To check the evasion the South Australian Government was induced to pass a Bill (3 of 1857) [1] similar to the Victorian Act, 1855. But this restrictive legislation was insufficient for the European miners in Victoria. There were serious riots on some of the fields, during which the Chinese were assaulted and shamefully ill-treated. Petition followed petition from the Europeans to the Government asking for heavier taxes on the Chinese population.[2] The petitioners pointed out that the Chinese quarters on the fields were filthy and overcrowded. They spoke of Chinese immorality. But there is no doubt that the agitation was mainly directed against a strange, organized and rapidly expanding human mass which by its nature had acquired certain economic advantages over the Europeans. The Government therefore introduced a Bill (41 of 1857) into the House which provided for the imposition every two months of a licence fee of £1 on every Chinese resident who was not a natural-born or naturalized British subject. The Chinese petitioned [3] against the proposed arbitrary legislation. They pointed out that those of their number who were engaged in mining pursuits were chiefly employed on ground that had been previously worked by Europeans and abandoned by them as no longer remunerative. They maintained that they had always conducted themselves strictly in accordance with the law. They begged the Government to spare the Chinese already on the fields, whatever course might be taken to prevent or restrict further immigration. Many of them, it was stated, found it almost impossible under present circumstances to make a living and few could return home. The Chinese in their petition were supported by members of the European mercantile community,[4] but without success. The Bill became law.

[1] Repealed 1861.

[2] A large meeting called on the Geelang Fields demanded that "the Chinese Passenger trade to this colony should be declared contraband." See *Vic. Votes and Proceedings*, 1857, "Petitions."

[3] *Ibid.*

[4] E.g., Mr. Aspinall in House, Jan. 14, 1857: "He hoped that in all imports to this country, whether of human beings or any other kind, the interests of the mercantile community would always be duly considered."

Nevertheless it was estimated that by 1859 the number of Chinese on the fields had increased to 42,000. In that year, therefore, both the Acts 39 of 1855 and 41 of 1857 were repealed and 80 of 1859 substituted. The number of Chinese immigrants was still limited to one to ten tons shipping while an entry tax of £10 was imposed on Chinese arriving by sea. From Chinese arriving by land a tax of £40 was demanded. Chinese residents were further required to pay an annual fee of £4. This series of discriminative Acts led to a rapid decrease in the number of Chinese in Victoria, there being only 20,000 in 1863. The entrance fee was therefore suspended by 270 of 1863 but was reimposed by 200 of 1864, which practically re-enacted the provisions of the Act of 1855. But the gold fever in Victoria was already subdued and in 1865 the Government repealed all restrictive legislation against the Chinese, though power was given to the Governor in Council to make certain regulations and Chinese were prohibited to vote at the election of the mining boards.

But meanwhile many of the Chinese, unable to meet the Victorian taxation, had congregated on the goldfields of New South Wales. In 1858 restrictive legislation had been passed by the House of Representatives but thrown out by the Council, with the result that there were some 12,988 Chinese on the New South Wales fields in 1861. Their presence was strongly objected to by the Europeans and in January, 1861, a serious disturbance at Lambing Flat, during which the Chinese were driven from the fields and their property destroyed, forced the Government to take action. A Bill similar to the Victorian Act, 1855, passed both Houses. It was allowed by the Crown, for although the Duke of Newcastle considered such exceptional legislation "highly objectionable on principle," he recognized "the exceptional nature of Chinese immigration."

The first influx of Chinese on to the goldfields of Victoria and New South Wales had lasted only a few years—legislative intervention having been rapid and effective. During that period it had aroused fierce antagonism, but at its close the popular excitement was soon subdued. The subject of

Chinese immigration was not again under public discussion until the opening up of the rich Palmer goldfields in Northern Queensland, 1875—but then it assumed a distinct and important significance.

• Within a few months in 1875, 7,000 Chinese were working on the Palmer fields. The immediate demands for protective legislation made by the European mining population of the north already outnumbered by the Chinese, were re-echoed by the Anti-Kanaka-Labour Party in Brisbane, until in August, 1876, the Gold Fields Bill was introduced into the Queensland Parliament. The nominal object of the Bill was to compel Asiatic aliens to contribute an additional sum to the revenue in return for the protection they enjoyed on the goldfields, but it was actually aimed at restricting their entry into the northern state. The arguments in support of the Bill were not confined to the necessity of preserving order on the goldfields, though serious disturbances were anticipated when the water in the gullies dried up.[1] It was stated that an organized invasion had begun. Chinese speculators were always ready to develop a trade in their countrymen when they had a chance of lucrative profits and reasonable facilities for shipment—they were sending them out now in thousands under the control of superintendents. And further, it was argued that, apart from any question of economic competition on the goldfields, the Chinese " might turn out to be a very formidable people." If unrestricted, their immigration " would raise the most serious social and political questions affecting the well-being of the community."

The Bill passed the two Houses despite the opposition of the shipping companies and of others who advocated the employment of Chinese labour for the development of the country. But it was reserved by Governor Cairns for the Imperial assent and vetoed by the Crown. The diplomatic relations between Great Britain and China had changed

[1] Apparently the Chinese coolies suffered considerably when the daily yield of gold diminished. In 1877 a magistrate wrote : " I cannot say there is starvation among them, but there must be something very like it when they come to the court-house windows and call out to the magistrates on the bench for rice and will not go away until removed." Read in House by Premier, June 13, 1877.

since the Duke of Newcastle allowed the New South Wales Bill, 1861. In an explanatory statement, Lord Carnarvon (Secretary of State) declared that not only was any special tax imposed on the subjects of a friendly State objectionable as debarring them from "the employment of privileges accorded to the rest of the world," but in this particular case the proposed tax was "inconsistent with obligations imposed upon the Queen by treaty. . . ."

"I may observe," he wrote, "that although the fifth article of the Convention of Peking especially refers to Chinese engaging to take service in the Colonies and gives them liberty to emigrate for that purpose, it is obvious that the article contemplates that all Chinese subjects should have full freedom of entry into British dominions without special restrictions or impediments." [1]

The veto roused an angry temper in Queensland. The permanent interests of the State were to be subordinated to the treaty obligations, i.e., the commercial ambitions of Great Britain! The Agent-General was instructed to inform Lord Carnarvon in reply that

"As British subjects we value the privileges we possess, but if we are called on to sacrifice our hopes of perfecting a community founded on the principle of social and political equality, we are not content to do so without a most earnest effort to avert such a calamity."

The Premier of Queensland considered the subject one of common concern to all the Australian Governments. But the other States were busy with their local problems and were not as yet directly affected by the Chinese immigration. The circular letter sent by the Premier of Queensland to the other State Governments was merely acknowledged by Tasmania; South Australia asked for further particulars; Victoria, under the masterly influence of Mr. Graham Berry, was "not unmindful of the grave national danger . . . the rights and responsibilities of self-government as possessed by law should be jealously guarded"; New South Wales was sympathetic and "prepared to support any well devised and temperate measure." Public opinion in the southern States was, on the whole, indifferent. However, concerted

[1] Despatch Q., No. 12, 1877.

action by all the Australian Governments was unnecessary to achieve Queensland's purpose. Instead of submitting to the veto, the northern Government, June, 1877, introduced the Chinese Immigrants' Regulation Bill, which limited the number of immigrants to one passenger to ten tons shipping and imposed an entry tax of £10, which was to be returned if the immigrant left the State within three years, providing that in the meantime he had not become a charge on the public funds. The Government also introduced the Goldfields Act Amendment Bill which with unimportant modifications re-enacted the terms of the vetoed Bill of 1876. The latter Bill was carried less with the desire that it should be enforced [1] than with the determination to assert the Government's right to legislate in all matters affecting the public peace. Both Bills received the Royal assent. Confronted by the determined action of the Queensland Government and no doubt influenced by the Report of the U.S.A. Commission, 1876–7,[2] the Colonial Secretary had decided that the 5th Article of the Convention of Peking had reference only to contract emigration and need not be interpreted in any wider sense. The threatened crisis had passed.

But in Australia the matter was not at an end. In 1877 public opinion in the southern States had been indifferent to the subject of Chinese immigration into Australia. But an event in 1878 roused it to a swift hostility. In November of that year the Australian Steam Navigation Company took into its employ coolie labour for the recently opened service to the East. The trade unions concerned, with their headquarters in Sydney, were antagonistic and called out the crews of the Company's ships as they returned to port. There followed a thirteen weeks' strike marked by much disorder with bitter feeling on both sides. Both the Trades and Labour Councils in Sydney and Brisbane actively supported the strike.[3] Monetary aid was sent by the unions of Victoria and South Australia. In Queensland the Govern-

[1] It was actually repealed the following year.
[2] The Report was frequently quoted throughout the 1877 debates in Queensland, and was referred to in an explanatory address given by the Agent-General before the Royal Colonial Institute, December, 1877.
[3] See Sir T. Coghlan's *Labour and Industry in Australia*, p. 1335.

ment gave notice, in January, 1879, that it would discontinue the mail subsidy paid to the Company. In the future mail contracts would stipulate that no Asiatic or Polynesian seamen were to be employed.[1] With such active support the strikers were able to hold out until the Company agreed to gradually withdraw the Chinese from its service. The co-operation of the trade unions of the eastern States in support of the seamen's strike led directly to the first Inter-Colonial Trade Union Congress, 1879. Thus the Federal habit was originated by the masses for the discussion of their common difficulties, their common aspirations. From the first it had a popular basis. The Trade Union Congress, 1879, was followed in 1880 by the first Inter-Colonial Conference of Premiers.

At the time the number of Chinese in the southern States was comparatively insignificant.

On April 3, 1881,

Queensland	had	a total	population of	213,525,	of whom	11,253	were Chinese.[2]
N.S.W.	,,	,,	,,	751,468	,,	10,205	,,
Victoria	,,	,,	,,	862,346	,,	11,799	,,
S. Australia	,,	,,	,,	279,865	,,	4,151[3]	,,
Tasmania	,,	,,	,,	115,705	,,	844	,,
W. Australia	,,	,,	,,	29,708	,,	145	,,
			Total.	2,252,617		38,397	

But especially in Sydney, hostile feeling had been aroused by this strike, and legislative protection against further immigration of Chinese was demanded. In 1879, Mr. Parkes, Premier of New South Wales, had responded to the Sydney appeal by introducing into the House a restrictive measure which was, however, thrown out by the Council. Popular agitation had increased after an outbreak of small-pox which was attributed to the presence of the Chinese, and a mass meeting of the "noisy section of the community" had been held in Sydney, April 26, 1880, to institute an Anti-Chinese League. It was under such circumstances

[1] See Sir T. Coghlan's *Labour and Industry in Australia*, p. 1335.

[2] The greater number of these had probably entered the State at the time of the gold rush, after which they drifted into the towns or on to the stations.

[3] Of these 3,804 were in the Northern territory.

that Mr. Parkes brought the subject before the attention of the Inter-Colonial Conference, November, 1880. His motion—

> "that in the opinion of this Conference the grave consequences which must follow the influx of large numbers of Chinese call in a special manner for the concerted action of all the colonies, both in representations to the Imperial Government and in local legislation"—

was carried. During the Christmas vacation the Conference was adjourned. When it reassembled the question of Chinese immigration had assumed an added importance, owing to the decision of the Western Australian Council to introduce Chinese labourers under contract into that colony at the public expense. Was Western Australia to be permitted to open the "back-door" of Australia to Chinese immigration? Representatives of the eastern States joined in sending a protest to the Imperial Government: "It is a matter for deep regret that the smallest colony of the group should take a course so calculated to cut her off from popular sympathy and isolate her in the civilizing process." [1] The Premiers further agreed to introduce into their various Legislatures a Chinese Immigration Restriction Bill.

In pursuance of this agreement the Parliaments of New South Wales and Victoria, after sharp tussles in the legislative councils, passed a Bill which restricted the number of Chinese immigrants to one passenger to 100 tons and imposed a £10 entry tax. The New South Wales Bill prohibited the issuing of letters of naturalization to Chinese residents, while that of Victoria excluded Chinese from the political franchise.[2]

In the South Australian Legislature, the Bill agreed upon in Conference was modified—a vessel being allowed to carry one passenger to ten tons shipping. And further, the Northern Territory, by an amendment of the Council, was excluded from the provisions of the Bill—Council members

[1] Inter-Colonial Conference Papers, 1880–1.

[2] In 1880 (Chinese Voters Bill) Mr. Graham Berry had declared: "There is nothing the people of this country desire more than to put a check on the influx of Chinese and their deterioration of the ballot." Liberal feeling had been aroused by the capitalist exploitation of 'brute votes.'"

being of the opinion that Chinese labour was necessary for the tropical development of the north. Western Australia and Tasmania did not take protective measures until 1886 [1] and 1887 [2] respectively. The various restrictive Bills were allowed by the Crown.

In 1881, concerted action had been taken by some of the Australian States on the subject of Chinese immigration. But it should be noted that such action had not been unopposed even in Australia. There were still a number of Anglo-Australians for whom the Australian states ranked as English counties. To them there was not the slightest doubt that the mere fact of treaties of friendship and commerce " . . . makes any measure of this kind a violation of the spirit, if not the letter, of those arrangements." And the treaty obligations of Great Britain should be honoured. Again, the Sydney *Morning Herald* voiced the opinion of those on whom " the Cobden Medal weighed heavily." To them all protective measures were anathema. *Laissez aller!* Were not all men brothers? And there were also those who continued to demand a plentiful supply of cheap labour. The latter group were further influenced by the possible value of the China market. Thus the Chinese issue was already grouping the Australian people into one or other of two ill-defined groups. Those who continued to oppose restrictive legislation became the advocates of Imperial Federation. Those who were determined at any cost to protect their high " standard of life " were the " Young Australians," more and more aware of the necessity of Australian Federation, more and more determined that the future of the Empire should be that of a Britannic Alliance. It was the latter group that determined the issue in the " crisis " of 1888.

If the nature of that " crisis " is to be understood, the influence of events during the intervening years should neither be ignored nor exaggerated. Inter-State tariff barriers with Custom Houses along the frontiers; differential railway rates to attract trade to jealous capitals; rivalries over

[1] One to fifty tons, £10 poll-tax.
[2] One to 100 tons, £10 poll-tax.

navigation and irrigation rights in the one great river system, defeated their own end by arousing a public opinion against the economic effects of parochialism. Moreover, though public attention was continually distracted from high politics by local issues, foreign affairs were not without an influence on the Federal movement. The circumstances connected with the annexation of New Guinea made Queensland capitalists aggressively national, while the continued introduction of Kanaka labourers roused a bitter "anti-colour" temper in the workers. The small expeditionary force sent from New South Wales to the Sudan Campaign, 1885, did more than capture a donkey—they introduced Australian democracy to British Imperialism. In Victoria the success of the Protectionist Campaign had broken the Imperial tradition and roused in the state a strong local consciousness. Nevertheless, while such isolated events weakened the links of the Imperial chain, the fear of external aggression, whether from Germany, Russia or China, had forced the states to accept the naval proposals made by the Secretary of State at the Imperial Conference, 1887.[1] While the states remained weak and divided, their only protection was the Imperial strength. Independence must wait on a strong Federal power. Thus the temper of the Australian people had considerably changed since 1881, when in 1888 a crisis occurred in the problem "that stands out unique and sphinx-like in Australian history, irritating and agitating all classes, and operating in the most intense way on those least informed."

The partial defeat of the French had given an enhanced prestige to the "awakening" Empire of China, and veiled in a mysterious largeness the Marquis Tseng's attempt to organize a Naval Force. Moreover, the tour of investigation made in 1887 through the Australian States by General Wungho, Chinese Ambassador, occasioned the fear that the "peaceful invasion" was to take a new and systematic form. As a result of the ambassador's report, the Chinese

[1] Australian States to pay the cost of maintenance of a number of British warships in the Australian seas. The proposals were disliked by all parties in the Australian Legislatures, though they were accepted by all the States, save Queensland, as inevitable. Queensland accepted 1891.

Minister in London, Lew Ta-Jen, made a formal protest[1] to the British Government against "the exceptional and exceptionable laws which some of the Colonial Legislatures of Australia and the Dominions have at different times enacted against Chinese subjects." He requested that with a view to

"the elimination of any part of them which may be found to be at variance with treaty obligations and international usage, H.M. Government will be pleased to institute an inquiry into their nature and how far they are compatible with the increasing growth of the friendly relations which now happily exist between the two countries."

The note was forwarded by the Colonial Secretary to the Governors of the Australian States, January 23, 1888, with a request for explanation and comment. In Australia it occasioned alarm and indignation. During March to April, by telegrams and dispatches the state Premiers explained the circumstances that had led to the adoption of the restrictive legislation.

"It has been proved by experience that the Chinese become formidable competitors with European labour in almost every branch of industry . . . the effect of their unrestricted competition would undoubtedly be to materially lower wages and to reduce the standard of comfort of the European artisan and labourer."[2]

But, as the Tasmanian Government pointed out[3]:

"In none of the Australasian colonies would the artisans and labourers have sufficient power or influence to obtain restrictive legislation on this question if they were not aided by the conviction of a majority of the other members of the community that such legislation is necessary for its present and future welfare."

For the

"main objection to allowing the immigration of Chinese is the fact that they cannot be admitted to an equal share in the political and social institutions of the colony. The form of civilization existing in the Chinese Empire, although of a complicated and in many respects marvellous character, is essentially

[1] C. 5448, Enclosure in 1, and *passim*.
[2] Chief Secretary of Queensland, Enclosure in No. 22.
[3] Enclosure in 70.

different from the European civilization which at present prevails in Australia and which I hold to be essential to the future welfare of the Australian continent to preserve." [1]

"They come without their women and children, apparently having no intention to settle, and occupy an isolated position in every community where they are found. They are not only of an alien race but they remain alien—thus we have not a colonization in any true sense of the word, but practically a sort of peaceful invasion." [2]

Nor indeed was amalgamation possible or desirable. If the unnaturalized Chinese

"should at any time become as numerous, or nearly as numerous, in any colony as the residents of European origin, the result would be either an attempt on the part of the Chinese to establish separate institutions of a character that would trench on the supremacy of the present legislative and administrative authorities, or a tacit acceptance by them of an inferior social and political position which, associated with the avocations that the majority of them would probably follow, would create a combined political and industrial division of Society upon the basis of a racial distinction. . . . Societies so divided produce particular vices in exaggerated proportion and are doomed to certain deterioration." [3]

The menace of Chinese immigration was increased by the "enormous number of the Chinese population" in China, and the fact that Australia was within easy sail of the China ports. The States were agreed in their arguments: they were determined to prevent any large immigration of Chinese.

On April 19, the Governor of New South Wales telegraphed to Lord Knutsford (Secretary of State): "I am positive that this is not . . . a cry got up for political purposes; it is a deeply founded feeling and belief of the vast majority of the Colonists, a feeling which time will intensify." [4] The British Government was urged by all the States to secure Australian interests as the United States of America had secured the interests of California—by treaty. "If we have no voice in making the treaties, it seems only just that our

[1] Chief Secretary of Queensland, Enclosure in No. 22.
[2] Premier of Victoria, Enclosure in 44.
[3] Enclosure in 70. [4] No. 63.

interests should be considered and protected by those who exercise that power."[1] But before the Secretary of State had had time to consider the dispatches, the Australian people were convinced that "the invasion" had begun.

During January, 1888, the Government Resident in the Northern Territory had called the attention of the South Australian Government to the "exceptional influx" of Chinese immigrants expected there within the next few weeks. Was the Chinese Government aware of what was taking place? The South Australian Parliament being in recess, the Government issued a proclamation imposing a £10 entry tax on all Chinese immigrants into the Northern Territory and declaring all the China ports infected with smallpox. This unexpected barrier having been raised in the north, some of the immigrants originally destined for the Territory were carried down the eastern coast. There was almost a panic in the eastern capitals when the approach of the first vessel, the *Afghan*, bound for Melbourne, was reported at the end of April. The significance of this first arrival was wildly exaggerated, and the British Government's "delay" in negotiating a treaty with the Chinese Government unjustly condemned.[2] The eastern States were determined to take action. On May 1, a large public meeting had been held in the Town Hall, Melbourne, at which it was unanimously resolved that the poll-tax should be raised to £100. The Government was urged to protect the people. It was decided, therefore, that the Chinese on the *Afghan* should not be allowed to land. The Government was enabled to act "strictly within the limits of the law," for the *Afghan*, measuring only 1,439 tons, was carrying 268 Chinese passengers—254 more than it should lawfully have brought to Victoria. Some of the immigrants were carrying British naturalization papers, and should therefore have been exempt from the provisions of the Act (1881), but since

[1] No. 3, see also Enclosure in 44.

[2] At the time Lord Knutsford (Colonial Secretary) was awaiting some of the Premiers' dispatches forwarded in reply to his note of Jan. 23. As he declared in the House of Lords, June 8: "We have always been ready to negotiate, but it was necessary before beginning negotiations that we should thoroughly understand the case."

the Government had recently observed a considerable traffic in such documents, the papers presented by some of the *Afghan* immigrants were declared to be fraudulent. The master of the vessel was warned that if he landed any of the passengers he would have to pay the heavy fines to which he was liable for carrying immigrants in excess of the number allowed by law.

The *Afghan* therefore made for Sydney. On the eve of its arrival two mass meetings were held in the Sydney Town Hall, and were followed by a procession, the chief magistrate leading, to Parliament House. The Premier, riding on the crest of the public agitation, took no care to keep within the law. With a gesture, dramatic and unrestrained, he assumed the prerogative of sovereignty—he forbade the immigrants to land. All standing orders of the House were cancelled for the next day in order to obtain Parliament's indemnity "for all acts done by the Executive in connexion with the Chinese immigrants." However, a writ of habeas corpus having been taken, the Supreme Court declared illegal the Executive's action in forbidding Chinese with exemption [1] tickets to land. Forty-five immigrants from the *Afghan* were therefore allowed ashore. The others were refused admission. There were no further demonstrations.

The Chinese Minister in London immediately protested [2] against "what the Imperial Government regrets to have to characterize as the arbitrary and irregular proceedings of the Colonial authorities." On behalf of the Chinese Government he demanded that the prohibition should be cancelled and compensation paid for any losses sustained in the meantime by the immigrants. "I presume that in its international and conventional aspects H.M. Government will not deny the illegality of the action of the Colonial authorities in this matter."

The difficulty of Lord Knutsford's position was further increased by the action of the Government of New South Wales in introducing a Bill into the House that limited the number of Chinese immigrants to one passenger for 500 tons

[1] I.e. Chinese who had naturalization papers or had been in the state previously.

[2] C. 5448. Enclosure in No. 51.

shipping and imposed a poll-tax of £100—a Bill the object of which was not restriction but prohibition. The Colonial Secretary therefore welcomed the proposal of the South Australian Government that an Inter-Colonial Conference should be held to discuss the subject of Chinese immigration with a view to arriving at an "Australian" decision as to future policy. The Conference met June 12 in Sydney. It had been suggested in the British Parliament that an Imperial representative should be present, but that suggestion was not adopted on account of "the jealousy still entertained of anything approaching to what is called Downing Street spirit or Imperial influence."[1] The Colonial Secretary, however, by telegraph [2] reminded the Conference of the political and commercial interests of the Empire in general and of the Australian States in particular, and suggested that some "laws and regulations equally restricting immigration into the colonies of all foreign labourers with power of relaxing the regulations in special cases" might meet the circumstances. . . .

"While H.M. Government will be prepared to consider any representations from the Conference, they were not at present able to give any assurance that negotiations with the Chinese Government can be opened, as it depends on the nature of the proposals to be made to that Government."

The Conference [3] rejected the Colonial Secretary's proposal for general legislation. It was "very carefully deliberated upon, but no scheme for giving effect to it was found practicable." The Premiers were of opinion, however, that the desired restriction could best be secured through the diplomatic action of the Imperial Government, and although they considered that local legislation was necessary [4] pending the negotiation of a treaty, they proposed to drop the poll-tax [5] and to attain their end by limiting the number of Chinese which any vessel might bring into an Australian port to one passenger to every 500 tons ship's burden.

[1] Lord Knutsford, House of Lords, June 8.
[2] C. 5448, No. 69. [3] *Ibid.*, No. 78, Conference Report.
[4] Tasmania dissented from this, and Western Australia did not vote.
[5] New South Wales agreed to modify her recent Act as soon as the Resolutions of the Conference had been adopted by two States.

In accordance with the resolutions of the Conference, the various Legislatures (except in Tasmania) introduced and passed further restrictive measures based on the principle of a limitation of immigrants in proportion to the tonnage of the passenger ships.[1] And further, on June 22 (1888), the British Foreign Minister instructed [2] the British Ambassador at Peking to enter at once into negotiations with the Tsungli Yâmen with a view to obtaining an agreement similar to that made with the United States. But if negotiations were entered into nothing eventuated. Apparently the Chinese Government yielded to the inevitable, while for the Australian purpose the local Acts were sufficiently effective. Moreover, the decision of the Privy Council in the appeal case Musgrove *v.* Chun Teong Toy, "as a security to Australia and New Zealand . . . may be held worth many statutes." [3]

The appeal was against a decision of the Supreme Court of Victoria in the case Chun Teong Toy *v.* Musgrove. Chun Teong Toy, a passenger on the *Afghan* turned away from Melbourne, had sued the Collector of Customs for £1,000 damages for having refused to accept his £10 poll-tax, and thereby prohibited his landing at that port. The defendant had denied that the money had been offered, but held that even had it been so and been refused the action could not be maintained, since it was within the power of the Government of Victoria to do such an Act of State in exercise of the Queen's prerogative to exclude aliens from any part of her Dominions, and even if the act had been done in excess of the power vested in the local Government by the Imperial Government that was not a question to be opened up by an alien. The case led the Supreme Court of Victoria into an important and searching political inquiry as to the nature of the powers vested in the Government of Victoria by the Constitution Act, 1855. The court's decision was to the effect that only the express powers stated in the Act, with such additions as were strictly necessary for the pur-

[1] South Australia lowered the tonnage. Queensland thereupon imposed a poll-tax, vetoed by Crown. [2] C. 5448, No. 85.

[3] *State Experiments in Australia and New Zealand*, W. Pember Reeves, vol. ii., p. 339.

pose of giving effect to those powers, had been vested in the local Government.

"I have been for years . . . under the delusion (as I must term it) that we enjoyed in this Colony responsible Government in the proper sense of the term. I awake to find, as far as my opinion goes, that we have only an instalment of responsible Government,"

Mr. Justice Williams declared. The court therefore held the action of the Victorian Government illegal, and gave damages to the plaintiff. On appeal before the Privy Council (November, 1890), Counsel for the appellant again argued that an alien could not sue on account of non-admittance into a British colony in the courts of the colony. But it was on the constitutional aspect of the question that emphasis was laid. Counsel contended that as a result of the passing of the Constitution Act, 1855, and of Act 91, of 1859, a thorough and complete system of local responsible Government had been established; that such plenary power had drawn with it the executive authority necessary to carry out the legislation together with such prerogative as was necessary for local purposes, and especially for the preservation of the public peace; that the prerogative was vested in the Governor as Viceroy, since his power in matters local to the State could not be limited to his instructions: "for if he has to take the advice of his Ministers he cannot be merely the agent of the Imperial authorities, else responsible advice is not a reality"; that the Court ought to have assumed that the Act of the Victorian Government had been done in exercise of such prerogative since the Governor retained the Ministers responsible for it as his advisers. The decision of the Privy Council was in favour of the appellant. It was held that such an action was not maintainable by an alien: but more important for the Australian Governments was the recognition of their power to do such an Act of State.

Armed thus with restrictive legislation and with a recognized power to deal with an emergency similar to that of 1888 should it again arise, the Australian people had no occasion to fear a Chinese influx in the near future. They

had achieved their immediate purpose; and in achieving it they had discovered themselves to be one people. National feeling had quickened, deepened. On October 25, 1889, Mr. Parkes spoke the Federal word: "The time has come when we should set about creating a great national government." In 1891 a convention met and framed a Federal Constitution.

It was shelved. The bogies were dead. The drought and the strike had intervened. Everywhere were apparent public indifference, political impotence. Federation might have been postponed until forced by the necessity of immediate danger had not the increasing immigration of Japanese during the nineties developed a determining influence on the Federal Movement. And when Federation had been effected, it was the fear of a Japanese, rather than of a Chinese, influx that was responsible for the change from a restrictive to a prohibitive policy in the matter of Asiatic immigration. For the Japanese were feared as the Chinese were feared—only more so, since the treaties of 1894 had given the people of the Rising Sun a new status. In 1896, at the Conference of Australian Premiers, called to discuss the terms of the Treaty of Commerce and Navigation between Great Britain and Japan, it was decided, on behalf of all the States except Queensland,[1] to reject the treaty and to extend the provisions of the Chinese Immigration Restriction Act so as to include all Asiatics. But when the Governments of New South Wales and South Australia passed the Amendment Bill decided upon in Conference, it was vetoed by the Crown. The diplomatic relations between Great Britain and Japan were very different to those existing between Great Britain and China. Moreover, the restriction on Indian immigration affected the unity of the Empire. At the Imperial Conference held in London, 1897, Mr. Chamberlain proposed to tread the maze by a subterfuge:

"We quite sympathize with the determination of the white inhabitants of these colonies which are in comparatively close proximity to hundreds of millions of Asiatics that there should

[1] Queensland ratified the treaty, March 16, 1897.

not be an influx of people alien in civilization, alien in religion, alien in customs, whose influx moreover would most seriously interfere with the legitimate rights of the existing labour population . . . but we ask you also to bear in mind the traditions of the Empire, which make no distinction in favour of or against race or colour, and to exclude by reason of their colour or by reason of their race all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it."[1]

He proposed the introduction of legislation based on the principle of the language test adopted by Natal. An immigration Bill drafted on these lines was passed in Western Australia and in New South Wales. It was discussed in South Australia and Victoria. But it was evident that the subject was one for the consideration of a Federal and not of a State Legislature, and further discussion was postponed until in a struggle of party principles[2] was born the Federation of Australia.

From 1877–1901 the policy adopted by the Australian States towards Asiatic immigration was one of restriction. From 1901[3] onwards that policy gave way to one of exclusion by means of a language test. In 1897, in order to stem the tide of Indian immigration, the Natal legislature had passed an Act that necessitated the writing in English of an application for entry by every immigrant. This method of restriction was recommended to the Australian States by Mr. Chamberlain at the Imperial Conference. But the Commonwealth adopted a more rigorous policy. The Immigration Bill introduced into the Federal Parliament in 1901 provided for a dictation test in any language at the discretion of the Home Secretary. It was understood that, as a general rule, only Asiatics would be required to write such a passage. Members were not unaware of the responsibility they were incurring in passing this Bill, but though they differed in opinion as to the means to be

[1] C. 8596, "Alien Immigration."

[2] Conservatism had found in the Federal constitution the opportunity of "a check to democratic progress"; the Labour Party was roused to an immediate activity.

[3] In 1901 the Asiatics in Australia numbered 47,014 out of a total population of 3,773,801.

adopted, they were unanimous as to the end to be attained, "for it is nothing less than the national manhood, the national character, and the national future that are at stake." The Bill was passed and still obtains, although it has been amended to allow Asiatic merchants and students to enter the Commonwealth on a passport system.[1] It embodies the "White Australia" policy—a policy that developed from circumstances momentous for the national movement in Australia[2]; and that, rightly or wrongly, the Australian people still believe necessary for the security of their social life.

For Australia the Immigration Restriction Bill has temporarily solved the problem of Asiatic immigration. Whereas the Commonwealth population of Asian birth was, on March 31, 1901, 47,014 or 1·246 per cent. of the total population; on April 3, 1911, it had decreased to 36,442 or 0·82 per cent. of the total.[3] Of the Asiatics in Australia the Chinese have always formed the largest proportion, numbering, for instance, in 1901, 29,907, and in 1911, 20,775. Many of them are engaged in mining—the occupation that first attracted their countrymen—usually working alluvial tin-deposits and abandoned gold-diggings. Others render good service as market-gardeners, hawking their own vegetables. A few have generally found employment as station-hands, and as such have on occasion lent themselves to strike-breaking.[4] For economic reasons also their employment as seamen has been resented by the trade unions concerned, who have feared the competition of Asiatic cheap labour. In the country towns, to which many of the Chinese drifted when the goldfields failed, their early

[1] Asiatics indentured for the Pearl Fisheries were exempted from the provisions of the Act.

[2] See speech by Mr. Deakin, Attorney-General, on the Immigration Bill, September 12, 1901: "At this early period of our history we find ourselves confronted with difficulties which have not been occasioned by union, but to deal with which this union was established. . . . Certainly no motive operated more powerfully in dissolving the technical and arbitrary political divisions which previously separated us. . . . This was the motive power which swayed tens of thousands who take little interest in contemporary politics."

[3] 1901—Males, 43,772; females, 3,242. 1911—Males, 33,284; females, 3,158.

[4] E.g. during the Shearers' strike, 1891.

success as small shopkeepers and merchants gave rise to a considerable jealousy amongst their competitors. Indeed, so strong was the "anti-Chinese-merchant" agitation in New South Wales during 1904 that a deputation waited on the State Premier with the request that the Chinese be segregated into locations, the necessity for such segregation having been decided on in April by a conference of delegates gathered together to discuss that specific question. But in the larger towns the Chinese have been chiefly objected to for their engagement in the furniture trade, and since the last decade of the nineteenth century discriminating legislation has been passed in the eastern States with the object of regulating the employment of Chinese in furniture "factories" with a view to minimizing any competitive advantage which otherwise they might possess. But from a study of such evidence as that taken before the Committee of Inquiry appointed by the Victorian Government, June 1, 1893, it seems that the effect of Chinese competition in the furniture market has been greatly exaggerated. If, prior to the enforcement of the various Factories and Shops Acts, the Chinese employer paid his men lower wages than those demanded by the trade unions, the work they did was generally of a poorer quality than that done by union members; if the Chinese worked late hours, it was frequently because they had not commenced the day until noon, their habits being different to those of their competitors. It is evident from figures [1] submitted to the Committee that in

Registered European Furniture Factories.			Registered Chinese Furniture Factories.	
Year.	No. of Factories.	Male Hands.	No. of Factories.	Male Hands.
1886	64	1,022	23	320
1887	67	1,027	25	341
1888	70	1,076	40	435
1889	75	1,241	45	584
1890	70	1,058	41	499
1891	74	1,230	33	428
1892	56	712	29	383
1893	40	471	23	290

Victoria Chinese competition was only felt in a time of trade depression when the Australian furniture-maker, losing on the better market and trying to meet a cheaper one, found that the latter had already been captured by the Chinese, who also suffered when there was a general contraction of trade. In short, although under special circumstances the employment of Chinese in Australia has occasioned local bitterness, there is no reason to suppose that, as a general rule, they enter into unfair competition with the Australian labourer, manufacturer or merchant. Certainly their numbers are too small to give rise to any serious economic or social danger. The end aimed at by the Australian people in adopting a restrictive and finally an exclusive policy has been achieved—at least for a time: they are free from the "race-problem."

(*d*) NEW ZEALAND

In New Zealand the anti-Chinese movement had a development similar to that in the Australian States, though of course it had not the same large influence on political history as the latter, which acquired a Federal significance. On October 19, 1871, the total number of Chinese in New Zealand was 4,215, of whom 4,159 were in the province of Otago, 3,570 being employed as miners. So that, although the Chinese formed less than 1·75 per cent. of the total population of the Dominion they represented 6 per cent. of the provincial community. As a result, the opposition in Otago to Chinese immigration became so strong that on August 29, 1871, a Special Committee was appointed by the Government to investigate the subject. The evidence given before the Committee showed that the majority of the Chinese had been sent into the Dominion by Chinese merchants, who advanced the money for outfit and passage, receiving in return a lien on the debtor's services until the debt was repaid. The Committee found that the Chinese in the Dominion were industrious, frugal, and orderly; that they were not likely to introduce any special infectious disease; that few would become permanent settlers since, as soon as they had amassed a net sum of £100, they generally

evinced a desire to return to China. The majority of the Committee were of the opinion that no sufficient grounds had been shown either for the exclusion of the Chinese or for the imposition of special burdens upon them. The Committee's report was adopted by the Government, and no legislative action was taken to restrict Chinese immigration until 1881, although after 1877 the subject was under annual discussion in the Dominion Parliament. In 1880 a private Bill was introduced and carried into Committee, but at the time the question was being considered by the Australian Governments, and in New Zealand it was thought better not to take definite action until it was known what the sister colonies proposed to do in the matter. The Bill was therefore dropped on the distinct understanding that the Government would introduce legislation in 1881. It having been agreed at the Australian Inter-State Conference of 1880–1, to which New Zealand had sent a representative, that a Bill imposing a £10 poll-tax on all Chinese immigrants and restricting their number to one to ten tons shipping should be introduced into the various Colonial Legislatures, the New Zealand Government introduced a Bill to that effect into the Dominion Parliament in 1881. It was passed despite the strong opposition of a section of the House, who considered such action " a depraved pandering " to the working classes. No further restrictive measures were taken until 1888, when the Australian scare of a " Chinese invasion " was communicated to New Zealand, and resulted in an early proclamation declaring all Chinese ports infected, vessels carrying Chinese immigrants being by this means obliged to undergo quarantine before landing any passengers. When the holding of an Inter-Colonial Conference to consider the question of Chinese immigration was first mooted in 1888 the New Zealand Government viewed the proposal with some disfavour, preferring that separate or joint representation should be made by the various colonies to the Imperial Government, urging it to negotiate a treaty with the Chinese Government similar to that made by the latter with the U.S.A. However, if the other colonies would not agree to such representation, they

were prepared to send a delegate to an Inter-Colonial Conference. In the meantime, however, they considered that further restrictions on the immigration of Chinese were necessary, since the latter, finding themselves barred from entry into the U.S.A. and Australia, might turn in considerable numbers to New Zealand. Therefore the Chinese Immigrants Bill, 1888, which increased the shipping restriction to one passenger to 100 tons, was introduced. During the debate on the Second Reading (May 15, 1888) objections were raised to this isolated action taken by the Government of New Zealand, many favouring the relegation of the whole matter to the Inter-Colonial Conference, which the Australian colonies had decided to convene. The Bill was passed after much delay and on the understanding that it was a temporary measure and would be amended to embody any decisions that might be arrived at during the Conference, to which, in accordance with a Resolution of the House, June 1, a delegate had been sent. The delegate, however, arrived too late to attend the sessions of the Conference and no further action was taken by the New Zealand Government to amend the Act of 1888 until 1896.

During the intervening years a slow movement of the Chinese from the goldfields into the cities occasioned local irritation, though the numbers remained small, in 1896 totalling in Wellington, where they had doubled during the past five years, only 205 males and two females. Nevertheless, the local opposition was sufficiently strong by 1896—in which year the Chinese in the colony numbered 3,711—to occasion the introduction of the Asiatic Restriction Bill (No. 1) of 1896, "in order to safeguard the race purity of the people of New Zealand." The provisions of the Bill covered all Asiatics, for although it was admitted that the Indian and Japanese immigration was at the time negligible, it was feared that an impetus might be given to it by the action agreed upon by the Australian premiers, at the Conference of 1895. The Bill provided for the imposition of a poll-tax of £100 on Asiatic immigrants, while limiting their numbers to one to 200 tons shipping. It was accepted by the Assembly, but rejected by the Council on the ground

that in providing for the restriction of Indian immigration it was contrary to the interests of the Empire. The Asiatic Restriction Bill (No. 2), which exempted from its provisions British Indians and people of the Jewish race, was thereupon introduced and passed. But it was reserved for the Imperial assent since the restriction *eo nomine* of Japanese (as Asiatics) was contrary to Imperial policy. Until the Imperial assent to the Act was given, the Government considered it desirable as a temporary expedient to amend the Chinese Immigrants Bill of 1888, by raising the poll-tax to £100 and increasing the restriction on entry to one to 200 tons. The amendment was carried. During the following year (1897), the question of Asiatic immigration into New Zealand was discussed at the Colonial Conference in London, when the whole matter of Asiatic immigration into the British dominions was under consideration. Mr. Chamberlain then explained to the Representatives of the Dominions the principle of the language test embodied in the Natal Act, 1897. New Zealand agreed, together with the Australian States, to adopt the principle and, the Asiatic Restriction Bill having failed to secure the Royal assent, and the Chinese Immigration Restriction Amendment Act, 1896, having lapsed, an Immigration Restriction Bill was introduced into the New Zealand Parliament, 1899. Under the Bill, immigrants, unless belonging to a race or class exempted by the Governor in Council, were required to write out an application for entry in a European language. In addition to making such application, Chinese immigrants were further required to pay a poll-tax of £100, while their numbers were restricted to one to 200 tons shipping.

The number of Chinese in New Zealand continued to decrease during the years subsequent to 1897.[1] Nevertheless, the necessity of further restricting their entry remained a permanent electioneering cry in the cities and larger towns into which they slowly drifted from the used-up goldfields. Finally, in 1907, when the Chinese in New Zealand numbered 2,570 (of whom 2,515 were males and 55 females), a further amending Bill, which imposed on

For Footnote [1] see opposite page.

Chinese immigrants a test of 100 English words, was debated in the House. Sir J. Ward, Prime Minister, explained that to further increase the poll-tax, as a means of restricting immigration, was useless, since the majority of the Chinese who came to the colony were industrial serfs, whose poll-tax would be paid for them by speculators, with the result that they would be kept longer in the country to pay off their debt. Educated Chinese who might pass the proposed test would not desire to come to New Zealand in large numbers, nor would those who did come compete in the unskilled labour market. The Bill was passed and is still in force. Any Chinese now landing in the Dominion, unless previously domiciled therein, are restricted in numbers to one to 200 tons, are obliged to pay £100 poll-tax and to pass an examination test in English. In 1916 the number of Chinese in New Zealand was 2,147, and since that date they have continued to decrease, the arrivals about equalling the departures until 1920, when there was an excess of the former over the latter. Since the early legislation that led to a restriction of the Chinese rush to the goldfields, the Chinese question in New Zealand has not been one of large importance, although it has been raised during each election campaign. Such "question" as there has been has arisen from the gradual drifting of the Chinese into the

Year.	Number in Colony.	Arrivals during Year.		Departures during Year.	
		Males.	Females.	Males.	Females.
1896	3,711	173	—	122	—
1897	3,585	13	1	123	—
1898	3,464	28	3	93	—
1899	3,263	26	2	184	—
1900	3,097	27	1	181	—
1901	2,846	75	1	145	5
1902	2,792	69	—	87	—
1903	2,762	132	—	124	—
1904	2,829	235	4	128	—
1905	2,847	239	7	187	—
1906	2,673	260	13	133	2

Number of Chinese born in colony 1906 = 11.

towns where they have been unwelcome, for presumed unfair competition, to the Labour Party and the retail traders, and, for presumed social reasons, to the majority of the citizens.

And thus the thinly-populated countries of Canada, Australia and New Zealand have become more or less effectively barricaded against a dreaded influx from the over-crowded provinces of China—and of all Asia—which the young communities of these British Dominions believe would endanger their social well-being.

PART II

CONTRACT EMIGRATION

" The Indentured System differs from slavery principally in this respect—that of his proper civil rights those which are left to the slave, if any, are the exception, while in the case of the indentured labourer the exceptions are those of which he is deprived. Hence it is the freedom of the slave and the bondage of the indentured labourer against which all the unforeseen incidents and accidents of law must tell." [1]

British Guiana Commission, 1871, p. 63.

CHAPTER III

FOREIGN COMPETITION FOR CHINESE LABOUR

"When I came to the investigation of this traffic, I had no adequate conception of its enormity."

(Mr. Parker, U.S.A. Minister in China, Jan. 14, 1856.)

THE Act of Emancipation, 1833, was the expression of a determined public opinion in Great Britain. Petition followed petition from the people to the Parliament. Their argument was perhaps exaggerated, but its demand was plain. Liberty!—And the rights of man must be recognized in a slave as in a free society. Fraternity!—And the cruelties of the slave system must be terminated by its abolition.

On the other hand, the West India planters insisted on economic justice. They must be compensated for the loss of slaves recognized as property by British law. It was agreed by Parliament that compensation should be paid by voting a sum of money and by securing the services of the freedmen to their masters for a period of years. A system of apprenticeship was to be substituted for slavery—the essential difference between the two economic orders being that under slavery the power of punishment was vested in the master; under apprenticeship, in a stipendiary magistrate. In this manner for a period of six years a temporary labour force was to be secured for the planters and in the meantime the negroes were to be trained to the responsibilities of freedom. The system was instituted. When it became known that cruelties were practised by the employers against the indentured labourers, the British people demanded that it be brought to a premature end. They would not tolerate this thing. The pressure of British

public opinion expressed through Colonial Office instructions achieved its purpose in 1838, when non-prædial and prædial slaves were freed in the West India colonies. But any hopes that may have been entertained for an easy transition from a slave to a free society soon proved delusive. The abundance of fertile land in British Guiana, Trinidad and Jamaica made it possible for the emancipated negroes to win an easy livelihood without the necessity of regular work on the plantations, and their continued withdrawal into the interior left the planters with a steadily diminishing labour force. Various schemes for the importation of labour had been put into operation when the system of apprenticeship was terminated, but they had proved more or less abortive. In 1838, the West India planters had agreed to follow the successful example of Mauritius by importing Indian coolies. But the alleged abuses of Indian emigration led the Government of India in 1839 to prohibit further recruitment of its subjects. Africans had been introduced from the smaller and more populated West India islands, but they had at once associated themselves with the emancipated negroes. Immigrants from Madeira and Brazil had been encouraged until they proved such easy victims to disease that the West India Government had to terminate the uncontrolled experiment. In 1841 the British Government put into operation its proposals for the introduction of Africans from the Kroo coast. The scheme, however, was surrounded by such careful safeguards against a recurrence of slave-trade that insignificant results were anticipated.

No adequate constructive policy had accompanied the overthrow of the social order founded on slavery. The sugar industry, already burdened by the debts of an artificial past, remained dependent on the irregular and unwilling labour of the freedmen. By 1842 the financial position of the West India planters was admittedly critical. Lord Stanley's Select Committee on July 26, 1842, emphasized the need of compensating for this diminished supply by promoting " the immigration of a fresh labouring population to such an extent as to create competition for employment."

The West India Committee had already realized this

necessity and had forwarded on July 11, 1843, a memorial [1] to the Secretary of State in which they pointed out the serious position of the planters and requested that immigration from Africa should be more actively encouraged and that the right recently accorded to Mauritius of reopening Indian immigration should be extended to them. This request was given careful consideration by Lord Stanley, Secretary of State for the Colonies. The financial position of the West India estates was unsound even under the slave system, but the effect on the labouring population of the Act of Emancipation and the subsequent abolition of apprenticeship had undoubtedly precipitated the crisis. Hence the abrupt refusal with which he had replied [2] to the squatters of New South Wales when they asked permission to introduce Indian coolies at the public expense, was unsuited to the West India occasion. But though the economic position of the planters demanded his sympathetic consideration, Lord Stanley was determined to prevent the institution of any order approximating to slavery. He would not remove the safeguards from the African r[illegible]be termina[illegible] Nor would he disregard the welfare of the Indi[illegible] the previous decade had shown only too co[illegible]ely the evils of an unregulated movement of labou[illegible]s he declared, "The test of experience is wanting to prove that the apprehensions may be removed by increased vigilance and new precautions." [3] He was anxious that the renewed Indian immigration into Mauritius should be regarded as a test experiment. No decision had been made on the subject of labour importation when the West India Committee applied, July 14, 1843, for permission to introduce Chinese contract coolies from the Straits Settlements into the West Indies.[4]

The application followed the receipt of letters [5] from a British Guiana proprietor who had been visiting the British possessions in the East. He had witnessed the heavy

[1] 1844, P.P. [530], No. 1.

[2] N.S.W. Dispatch No. 156, Sept. 29, 1843; Colonial Office Minute to Dispatch, No. 63, May 5, 1843, Gipps to Stanley; Colonial Office Minute to Dispatch No. 37, March 27, 1843.

[3] 1844, P.P. [530], Sept. 4, 1843, Stanley to West India Committee.

[4] *Ibid.*, No. 2.

[5] *Ibid.*, Enclosures in No. 2 dated May 8 and 12, 1843.

annual movement of Chinese immigrants into the labour markets of the Straits Settlements and did not doubt that they could meet the requirements of the West India planters. Their work on the plantations of Penang had impressed him very favourably; they were men of excellent physique and from infancy accustomed to toil; they were eager to acquire money; they seemed freer from prejudice than the Indians and would probably marry into the native population. Indeed the Mauritius planters had been so favourably impressed by the opportunity that they had imported 1,000 coolies from the Straits Settlements at the beginning of the year. On the other hand, the proprietor warned the West India Committee that there were certain disadvantages in the Chinese character as compared with that of the Indian. The Chinese were not so likely to subject themselves to the discipline of the estate; they would probably demand higher wages; they would cause trouble if an attempt was made to keep their wages lower than those current at the time. "They would no more bear ill-usage than an English labourer." Nevertheless, on the whole, he considered them far superior to the Indian coolies. It would be necessary, he thought, to enter into a contract with the labourers for definite terms of service before they would emigrate with foreigners. Copies of the Mauritius contracts, valid for two years, were forwarded for reference. No difficulty was anticipated in the transport of a labour force from the East to the West. Vessels were easily chartered, freight was low, and rice and salt fish could be had at Singapore at cheap rates.

The West India Committee were not able to obtain information of the results of the experiment in Mauritius. They could not therefore place such confidence in Chinese as in Indian immigration. Nevertheless, the necessity being great, they requested Lord Stanley to except any contracts made with Chinese labourers from the provisions of Order in Council, September, 1838, which declared invalid any contracts for labour entered into outside the colonies. If this exception were allowed, arrangements would be made for the introduction of a certain number of Chinese, providing

that Lord Stanley agreed to the principle of a bounty payable for the introduction of immigrants without any special contract or under a contract which they rescinded after arrival.

Lord Stanley gave close attention to the proposed system of Chinese contract labour. The subject was "under constant discussion at the Colonial Office." The Colonial Land and Emigration Commissioners forwarded questions to gentlemen who had had experience in China, and a body of evidence and opinion was collected. As a result, Lord Stanley in his reply to the West India Committee, September 4, 1843,[1] admitted that the introduction of Chinese coolies would probably have a better effect on the emancipated negroes than the introduction of any other race. They would set them an "example of continuous and industrious application." From the information he had been able to obtain he was led to believe that the Chinese were fully competent to stipulate for what would be most to their own advantage. Present political considerations in China made it necessary to limit the ports of embarkation to the Straits Settlements. Therefore any Chinese coolies engaged for the West India Colonies would have already found their way to the Straits ports—a fact which gave some guarantee that they would understand the nature of the proposals made to them. A serious difficulty in the way of sanctioning a bounty upon their introduction into British colonies was the purely male character of their immigration. It was said that tradition bound the women to the ancestral village. However, since it was the habit of the Chinese to return to China after a temporary engagement abroad, Lord Stanley did not consider the difficulty insuperable. He agreed with the West India Committee that a contract would be necessary to induce the Chinese coolie to engage for the West Indies, but he limited its period to five years and insisted that the coolie must have power to rescind it after arrival in the colony. This was to be his security against terms which might seem unjust when compared with those under which free labourers were

[1] 1844, P.P. [530], September 4, 1843.

engaged. The West India Committee objected to a power of immediate termination. Their desire was to secure the supply of steady labour which a contract system promised. They argued, moreover, that an emigrant was in no position to make a decision regarding new labour in new conditions until after some months of residence. Lord Stanley accepted a compromise. The contract was to be obligatory on the labourer for six months after his arrival. Then and at the end of every subsequent year, he was to have the option of continuing or rescinding it. Lord Stanley agreed also to the bounty system,[1] but although a maximum rate of bounty was to be fixed ($65), only the actual amount spent was to be reclaimed. Despite the West India Committee's strong objection, Lord Stanley persisted in his determination to prevent an emigration system from degenerating into a speculative venture. There was further dispute as to whether the full cost of introduction should be claimable on contracts rescinded at the end of six months—a point which Lord Stanley finally allowed, the general benefit of the emigrant's services during the first half year being thus regarded as a premium to cover the extra risks of acclimatization. After the first six months a graduated scale of bounty was to come into operation, one-fifth being deducted for every subsequent six months served. On these conditions Lord Stanley gave his consent to the introduction of a limited number of Chinese by such persons as first obtained a licence from the Secretary of State. There had been continual disagreement between the Colonial Office and the West India Committee on the different questions arising out of the proposal to introduce Chinese coolies. The planters were determined to secure a labour-force. Lord Stanley, while admitting their necessity, was determined to safeguard the welfare of the immigrants. On December 1, 1843, he curtly refused any further discussion on the subject. Already on October 27, 1843, instructions had been sent to the Commissioners for the Affairs of India to issue such orders to the officials in the Straits Settlements as were necessary

[1] Expense of introduction to be reclaimed from Government funds if coolie rescinded his contract after arrival.

for the experiment to be carried into effect. Licences were issued for the introduction of some 2,850 Chinese coolies into British Guiana, Trinidad and Jamaica.

But no Chinese were introduced. The necessity for them no longer obtained. The Governor-General of India had acceded to Lord Stanley's request (November 29, 1843) to reconsider the question of Indian contract emigration to the West Indies under Government control, and the regulated movement of Indian coolies recommenced. Further, a large immigration from Madeira was again allowed under satisfactory regulations.

The subject of Chinese importation was not reopened until the "Free Trade" crisis 1846–9 had swept away the old proprietary and "transmuted colonial agriculture into a business entirely commercial and speculative."

The second crisis was even more serious than the first. The Order in Council, September, 1838, had prevented any contract with the Indian and Portuguese immigrants other than an agreement for one month. Their ranks were swept by discontentment and disease. At the end of the first month many of them wandered away into the interior to die. Both Indian and Portuguese immigrations were discontinued. The planters insisted and the Home Government agreed that the only satisfactory solution was to legalize contracts to labour for not less than three years (Ord. 3, 1848). But before any system of free labour had been satisfactorily established on the ruins of slavery—before an immigrant population had been introduced to take the place of the emancipated negroes who continued to withdraw from the plantations, the colonies were plunged into the crisis which ended in temporary collapse. The Sugar Act of 1846 had equalized duties on foreign and colonial sugar. Free Trade had followed hard on Emancipation. The result was inevitable to a system of sugar cultivation pushed under Slavery and Protection far beyond the limit warranted by its real resources. Many estates changed hands. The new proprietors realized that financial recovery waited on a regular labour supply. "From this time forward the remedy of immigration, the one chance that

remained, was seized on and pursued with rare tenacity and vigour." In these circumstances the necessity of introducing both Chinese and Indian immigration was again discussed. On June 25, 1849,[1] Lord Grey had written to the Governor of Hong Kong "to ascertain and report on the practicability of inducing Chinese labourers to proceed from China." The Governor's reply was forwarded with Memoranda, October 3, 1849.[2] Early in 1851 the Secretary of State was also in receipt of Dr. Bowring's Annual Report on Trade in China,[3] in which the subject of Chinese coolie labour was discussed. Further, Mr. White, appointed assistant immigration agent in Calcutta on the renewal of Indian coolie immigration, arrived in China, May 26, 1851, on a semi-official mission to consider the whole problem of Chinese immigration. His letters were forwarded to the Colonial Office by Governor Barkly (British Guiana).[4] In addition to the information contained in these reports valuable evidence [5] on the subject of coolie-emigration was submitted later in the year (1852) by the British Consular officers at the treaty ports in reply to a circular note sent them by Dr. Bowring under instructions from the Earl of Malmesbury.

These various official and semi-official reports and memoranda were considered by the Colonial Office and the West India authorities 1849–52. They described the impoverishment of Southern China and the annual emigration of large numbers of coolies under the pressure of want. Such emigration was nominally illegal—Chinese law forbidding a Chinese subject to emigrate without a special permit. But the local authorities did not interfere. The facts were too much for them. The result was the annual outflow of "hungry able-bodied men," part of which the planters and squatters of the new world were already diverting into the channel of a peculiar contract system of labour.

[1] P.P. 624, Sub-enclosure 1 to Enclosure 2 in No. 3.
[2] *Ibid.*
[3] *Ibid.*, No. 85 and Enclosure.
[4] P.P. 986, Dispatches from the Secretary of State, Sub-enclosures to Enclosure in No. 1.
[5] P.P. 263 1852–3, Enclosures in Nos. 8, 9 and 10.

their shipment, the exercise of restraint increasing with the irregularities of the system. The argument advanced for its necessity was that some coolies offered to emigrate, entered the depots, received food, and even perhaps the advance given before embarkation—and then made good their escape, as they had from the first intended. Obviously the temptation was great. The force of the argument, however, was generally invalidated by questionable methods of recruitment.

Prior to signing the contracts a medical examination was held. Coolies found physically defective were rejected. Their fate was pitiful. Their native village being often at some distance from the port, and they without means of returning to it, they died in the streets. "It was in vain to argue to these gentlemen (the merchants) that a moral obligation lay upon them to return these poor creatures." [1]

Coolies medically fit signed the contracts. If the latter were for Cuba, they were official, and drawn up as between the Spanish Consul on behalf of the contracting firm on the one part and the emigrant on the other. [2] But the authority of the Spanish Consul can hardly be reckoned as proof that the contracts for Cuba were equally understood and as readily entered into by both parties—Mr. Tait, the Spanish Consul at Amoy, being the largest shipper of coolies from that port. [3] The Acting-Consul for the United States of America was, until the end of 1852, in the employ of Messrs. Tait & Co. Apparently the emigrants destined for Peru had, during this early period of the system, no guarantee that they would not be sold into slavery. Once the contracts were signed, final advances were made to the coolies, who were frequently indebted to the brokers for the full

was used to restrict the freedom of the coolie. But it was suggested during the investigations that if this were true it was somewhat difficult to understand why the coolies left the barracoon, not by way of the door, but through an opening in the water closet into the mud and water of the river. See P.P. 263, 1852–3, Enclosure 8 in No. 14.

[1] *Ibid.*, Enclosure 1 in No. 17, Commander Fishbourne.

[2] Copies of Contract for Cuba, P.P. 986. Enclosure in Sub-enclosure 2 in Enclosure in No. 1. Dispatches from Secretary of State.

[3] "The principal shipper of coolies is Mr. Tait, a British subject who has all the advantage and influence which his being Spanish, Dutch and Portuguese Consul gives him."

amount of the money received. Embarkation was then effected.

The fraudulent methods of recruitment, the shortage of food and water provided by mercenary agents, the[1] harsh treatment not infrequently meted out by captain and crew [2] on the long unknown voyage across the Pacific to California or Peru, across the Indian and Atlantic to Cuba, occasioned, not seldom, riot and murder. "Such cases are of frequent occurrence," Dr. Bowring wrote, May 17, 1852, when reporting the murder of the captain and part of the crew on the American ship *Robert Browne*, bound with 410 coolies to California.[3] Coolie-voyages to South America became so risky that in August, 1852, though large contracts were in the market, no vessels could be procured for shipment.

Apart from the crimes at sea, the average mortality was high—the vessels being of small tonnage, devoid of all facilities for proper exercise, and often supplied with bad water and insufficient food. So serious were the conditions of the emigrants at sea that the Earl of Malmesbury, July 21, 1852,[4] requested Dr. Bowring to suggest the most effective means for controlling British ships chartered for the coolie-service. But the Middle Passage continued to be the scene of many reported horrors, of forgotten sufferings.

Although it was apparent from the story told by the reports and letters laid before the Secretary of State for the Colonies, 1849–52, that the increasing competition between the exploiters of the new world for a labour-supply had already led to serious abuses in China, the opinion generally expressed was that the latter could be minimized if not eliminated by official recruitment and regulation of shipment. And there was no doubt of the economic value of Chinese labour. All were in agreement on this point. The

[1] P.P. 263, No. 2 .

[2] The fatal disturbance on the *Robert Browne*, reported by Dr. Bowring (P.P. 263, 1852–3, No. 2), originated in the captain's order that the coolies' pig-tails "should be cut off and their bodies scrubbed with hard brooms." However desirable such a measure might have been from the point of view of cleanliness, it was an indignity too great for Chinese endurance. In Dr. Bowring's opinion "there are few instances (of disturbance) in which the commanders have not been blameworthy in a high degree"—an opinion shared by Mr. White. (Sub-enclosure to Enclosure 3 in No. 5.)

[3] P.P. 263, 1852–3, No. 2. [4] *Ibid.*, No. 3.

rapid development of the system of contract-emigration attested it. Nevertheless, in his reports to the Governor of British Guiana, Mr. White gave a warning, the force of which was emphasized by subsequent experience :

"The peculiar character of the Chinese will render the management of them, on their first arrival, . . . a matter of some difficulty before they get accustomed to their new locations. To all appearance they are perfectly impassive, cold and hard as a rock, yet they are fond of music, such as it is, and of theatrical shows and amusements, and at their sing-song exhibitions I have seen hundreds, if not thousands of them, convulsed from ear to ear with roars of laughter. They have an unexhaustible fund of obstinacy, and yet they are always willing to do anything that is required of them provided it be clearly explained to them and that they are allowed to do it in their own way. On their first arrival they must be kept cheerful and managed with kindness and a consideration for t[illegible]gs and habits. Yet indulgence will spoil them, for t[illegible]mely cunning, and will profit by the least opening [illegible]dvantage. Possessed of strong animal passions [illegible] may become sullen and discontented unless [illegible] connexions with the negro women, but if t[illegible] overcome, they will be found cheerful, con[illegible]ious." [1]

Messrs. Syme, Muir, & Co. had equally suggested the advisability of sending English-speaking headmen with the coolies. Such headmen, however, would "require to be closely watched, as presumption on authority for personal aggrandizement is inseparable from the Chinese character in every situation of life." [2]

Mr. White was of the opinion [3] that shipping would be easily secured for the emigration service once the risks of riot were eliminated. A large influx of American "clipper ships" into Chinese waters had seriously affected British shipping for the tea trade, and many captains were without cargoes for their vessels. Mr. White further suggested that the vessels employed in conveying troops, emigrants, and convicts to the Australian colonies would probably be glad of the opportunity thus afforded for continuous employment in the emigration service.

[1] P.P. 986, 1852–3. Dispatches from Secretary of State, Sub-enclosure to Enclosure in No. 1. [2] *Ibid.* [3] *Ibid.*, July 19, 1851.

Such favourable opinions led the British Government and the West India authorities to the decision that Chinese immigrants should be imported into the West India Colonies. Indeed, early in 1850 there were several interviews between Lord Grey and representatives of the Trinidad Association, as a result of which Lord Harris, Governor of Trinidad, was informed, February, 1850, that such importation would be permitted. A similar communication was forwarded to the Governor of British Guiana. In the latter colony it was hoped that the Chinese would form a middle class "better capable of standing the climate than the natives of Madeira, more energetic than the East Indians, and less fierce and barbarous than the emigrants from the Kroo coast." [1] A rate of bounty ($100) for Chinese labourers was therefore fixed by Ordinance 23, 1850. On August 26, 1851, Governor Barkly forwarded to the Secretary of State a minute of the Court of Policy, urging him to adopt every possible means for the encouragement of emigration from China. After the receipt of Mr. White's letters the urgency of the British Guiana planters became even more marked. The Court of Policy was unanimously in favour of appropriating £50,000 of the parliamentary guaranteed loan for the introduction of labourers from China. On October 13, 1851, the Colonial Land and Emigration Commissioners were directed by the Colonial Office to place themselves in communication with the West India Committee with a view to practical discussion on the subject.[2] The evils of a speculative system were already so apparent that neither the Commissioners nor the Committee desired the emigration to fall into chance hands. A proposal for the despatch of coolies having been made to a highly respected firm in China and refused, it was decided that a contract system under Government control should be established, with Mr. White as Government agent. His return was unfortunately delayed, and in the meantime the Governor of British Guiana permitted the dispatch, by a Mr. Booker, of a vessel, the *Lord Elgin* (351 tons), for the

[1] *Ibid.*, Dispatches from Governor Barkly, No. 1.
[2] *Ibid.*, Dispatches from the Secretary of State, Enclosure in No. 3.

introduction of coolies on the bounty system. The Commissioners therefore agreed to the large schemes of Messrs. Hyde, Hodge, & Co. for the recruitment and shipment of Chinese for the West India plantations. A temporary development of the coolie business by private enterprise was thus given official sanction.

On his return to England Mr. White was appointed Emigration Officer in China, his duties being to supervise the bounty emigration already in operation, and, as the opportunity offered, to establish a permanent system of emigration under Government control. In their instructions the Commissioners urged him to secure as large a proportion of females as possible, and also a suitable number of interpreters. They reminded him that His Majesty's Government had authorized the expenditure of public money on this scheme on the understanding that the Chinese law forbidding the emigration of Chinese subjects had fallen into desuetude. Should it prove otherwise, Mr. White was immediately to desist from all operations carried on by him in his official capacity. The British Government was not prepared to allow the contravention of a Chinese law if it had present force and effect. High hopes were entertained for the result of the experiment.

In the East, rumours of " vast plans " for the introduction of Chinese coolies into the British West Indies were in circulation before reliable information was received by the British officials. Dr. Bowring, British Trade Commissioner, reported on August 3, 1852, that nine vessels measuring 4,000 tons were said to have reached Amoy for coolie shipments to the British West Indies—" a sudden irruption of a fleet of ships." [1] In view of the serious competition that the planters of the southern States might experience as a result of the importation of large numbers of cheap labourers by the British colonies, Mr. A. Marshall, Commissioner for the United States at Macao, inquired [2] of his Government

[1] P.P. 263, 1852–3, No. 5.

[2] U.S.A. House of Representatives, 34th Congress, 1st Session, Ex Document 105, No. 9, Mr. A. Marshall to Mr. Everett: " The experiment when made must depress the entire planting interest of the U.S. The total cost of a Chinese labourer is estimated at $80 per annum, which is

whether it was proper and politic to allow American shipping to take part in the business. It is evident that officials in the East were expecting a rapid expansion of the coolie traffic.

But if such large schemes had been entertained they were to be modified by the force of circumstance.[1] When Mr. White arrived at Amoy in October, 1852, two ships, the *Lord Elgin* of Mr. Booker and the *Glentanner* of Messrs. Hyde, Hodge, & Co. had already left with heavy cargoes of men. The *Samuel Boddington* took a third shipment after his arrival, but the competition in coolies had become so keen that the agents for the vessel were not prepared to brook much official supervision of their recruitment and embarkation. Then in November occurred an interruption in the coolie business at Amoy that had a marked effect on emigration under British contract. On different occasions during 1852 public indignation against the abuses of "pig-dealing" had been expressed in Amoy by the posting of placards. The anti-foreign temper of the Chinese populace was roused to hatred in November when Mr. Syme, of Messrs. Syme, Muir, & Co., rescued from a Chinese court a "pig-stealer" who had been in his employ and was being tried for kidnapping. On November 21 Mr. Syme, his assistant, and a clerk of Messrs. Tait & Co., were attacked by a party of Chinese soldiers, a general assault being averted only by a resort to arms. Casualties were not heavy—some twelve killed and sixteen wounded—but their occasion augured ill for the future. Mr. Harvey, an official of Hong-Kong, was sent to Amoy for a detailed investigation. At the British Consular court, held to try Mr. Syme and his assistant for breach of treaty, the whole British mercantile community were examined, as were also English and American missionaries and several Chinese subjects. Mr. Syme declared in evidence that the trouble originated as a plundering raid on foreign hongs—and no doubt there were vagabonds who hoped to profit from it. But witnesses less interested

far below the cost of slave labour independently of the risk the planter runs in the original investment."

[1] P.P. 263, 1852–3, *passim*.

than Mr. Syme were satisfied that it was directly incited by the irregularities of the coolie business. Moreover, various meetings were held by respectable Chinese, at which suggestions were made for the destruction of the foreign hongs and the attacking of the coolie ships with a view to mitigating the evils of the system.[1] The Proclamation issued by the "Inhabitants of the eighteen Wards," [2] though of general character, directed its hatred against the two firms of coolie merchants.

"The barbarians are ungovernable in the extreme, and their only motive of action is the desire for gain . . . from this time if any persons transact business with the Te-Ki and Ho-Ki hongs (Messrs. Tait & Co. and Messrs. Syme, Muir, & Co.) they shall be put to death."

Again, a proclamation issued by the scholars and merchants of Amoy[3] declared: "From the time that the barbarians began to trade at Amoy they have had the practice of buying people to sell again." . . . The antagonism of the Chinese authorities was of a more questionable nature. The Chinese Marine Magistrate asked Commander Fishbourne to forbid the merchants from carrying on any longer their traffic in Chinese coolies. Notices were issued and strict orders given to the police for the apprehension of all brokers suspected of kidnapping. But one is inclined to agree—

"that there is not, and has not been, a man shipped from Amoy without their full knowledge, and that if report speaks true, they have not been without their share of the profits derived by the brokers from the coolie shipments." [4]

Later, the incurable corruption of Chinese officials proved one of the greatest obstacles in the way of proper regulation.

Not only had the evils of the contract system aroused the antagonism of the Chinese population of Amoy. By so arousing antagonism the coolie-business had seriously inter-

[1] Evidence, December 17, Rev. G. V. Talmage, Enclosure 8 in No. 14.
[2] Enclosure 8 in No. 14, Appendix B.
[3] Appendix A. [4] Enclosure 7 in No. 14.

fered with legitimate commerce.[1] As Dr. Bowring wrote to the Earl of Malmesbury:

"Nothing could be more fatal to our interests and prospects in China than that the shipment of emigrants should be connected with breaches of the public tranquillity, that it should make foreigners odious to the Chinese people and interfere with that growing disposition to friendly intercourse which was so remarkable at Amoy and its neighbourhood, and was producing such an extension of our commercial relations until interrupted by the irregularities which have had their origin in the cupidity of the collectors and shippers of coolies." [2]

British official opinion in the East was further strongly condemnatory of the fact that at Amoy, where the consular establishment was very inefficient, some of the merchants had disregarded the consular authority, and had established direct intercourse with the mandarins.[3] The mandarins complained very bitterly to Mr. Harvey of such a course, since it lowered their position and dignity in the eyes of the people.[4] It was distinctly contrary to Art. XIII. of the General Regulations of Trade. Indeed, not seldom during the nineteenth century were official representatives in the East confronted with almost insuperable difficulties in bending British subjects to the restraints of British law—a fact that was at once "a national reproach and a public calamity." As a result of the November disturbances, Dr. Bowring was instructed to inform the British Consular officers in China that they should act in strict conformity with treaty-rights, and neither directly nor indirectly aid in the shipment of Chinese subjects should the Chinese Government object to emigration.

"But if the Chinese subjects of their own free will should prefer to risk the penalty attached to the transgression of the law . . . you are not bound to prevent, or even ostensibly be cognizant of, such acts, for it is the duty of the Chinese Government to enforce its own laws." [5]

For some years after 1852 it was almost impossible for

[1] Evidence of Mr. H. Helms, of Messrs. Dent, & Co., and of Mr. R. McMurdo, of Messrs. Jardin, Matheson, & Co., Enclosure 8 in No. 14.
[2] Dr. Bowring to the Earl of Malmesbury, December 20, 1852.
[3] Dr. Bowring to Vice-Consul Backhouse, December 29, 1852.
[4] Enc. 7 in No. 14, Mr. Harvey to Dr. Bowring. [5] Enclosure in No. 12.

the coolie merchants to continue their business at Amoy. From November 21 to the end of the year only three vessels left the port with coolies, and their complement was nearly complete, or was so when the outbreak occurred.[1] Mr. White consequently advised the agents engaged by Messrs. Hyde, Hodge, & Co. to secure coolies for the *Australia*, destined for the West Indies, to go to Macao. A second ship, the *Clarendon*, loaded its coolies at Whampoa. Mr. Tait, the coolie merchant, had already sent his receiving ship, the *Emigrant*, to Macao, where it was reported that he had bought over the local mandarins for one tael per head of the coolies shipped.[2] This general movement of the coolie business from Amoy to non-Treaty ports was strongly opposed by the great opium-houses, both as infringing their monopoly and threatening disturbance among the people. British officials in the East viewed the matter gravely. In referring to the principle laid down by the Secretary of State that the Chinese Government was bound to enforce its own laws, Dr. Bowring, on December 24, 1852,[3] drew his attention to the fact that the Chinese Government was "too impotent, corrupt, and disorganized" to give effect to its own legislation. And meanwhile the immense interests of the opium trade and of general commerce might be imperilled. "The whole topic is surrounded by the most serious difficulties—difficulties attaching alike to interference and non-interference," he declared. When Mr. White's action of advising the agents to collect coolies at non-Treaty ports was known in England, it elicited an "immediate remonstrance"[4] from the Foreign Office, although it roused no comment from the Emigration Commissioners. While shipment under contract to other foreign countries continued to be effected at non-Treaty ports, Mr. White was obliged to make Hong-Kong his head-quarters.

So far Mr. White had acted only in a supervisory capacity with reference to bounty emigration. But he had been instructed to establish, as soon as possible, a system of contract-emigration under Government control. Failure

[1] Enclosure 1 in No. 19.
[2] No. 18.
[3] No. 13.
[4] P.P. 255, 1855, Enc. 6 in No. 3.

dogged his efforts in that direction. The separation of Hong-Kong from the mainland almost inevitably rendered recruitment more difficult and more subject to abuse. Moreover, despite his anticipations, Mr. White found it almost impossible to get shipping at that port. Captains had become alarmed by the frequent disasters at sea. "Captains are very unwilling to engage in the emigration service if anything else can be obtained," he wrote, January 7, 1853.[1] On February 23, he reported that the *Medina* at Namoa and destined for Cuba and the *Nepaul* at Amoy destined for Peru, had been detained for some time owing to the positive refusal of the crew to go on a voyage with Chinese emigrants. "It would be a fine thing for shipping . . . if we could see a probability of arriving at our destination with our heads on," [2] declared Captain J. Cass, of the *Thetis*. And such shipping as did offer was in large demand for credit-ticket emigrants to California. Parties connected with Cuban and Peruvian emigration were also willing to pay high prices for what they could get. Mr. White declared that a strict enforcement of the English Passengers Act would exclude English vessels from this source of profit. He suggested that agents might be authorized to make a small advance on account of freight, but even should this be successful he saw no prospect before the commencement of the south-west monsoon of shipping to Demerara the number originally intended, or of acting on Sir J. Pakington's instructions to send 2,000 coolies to Jamaica before the end of the season. Nothing further was done, and on April 9 he wrote regretting that he had been able to accomplish so little and that only in a supervisory capacity. But his remaining longer could be productive of no good, for—

"under present circumstances, while the Press is teeming with the disasters that have occurred to emigrant ships . . . it would be highly imprudent and impolitic to dispatch any vessel against the south-west monsoon." [3]

[1] P.P. 986, 1852–3, Sub-enclosures to Enclosure in 14.
[2] *Ibid.*, Extract 1, March 5, 1853.
[3] *Ibid.*, Despatches of Secretary of State, Sub-enclosure 1 to Enclosure in No. 16.

When he left Hong-Kong, April 11, the first season of Chinese contract emigration to the British West Indies was at an end. Of the 1,824 [1] coolies dispatched to the British West Indies by private enterprise 1,637 had arrived—647 for British Guiana and 990 for Trinidad. One hundred and eighty-seven coolies had died on the Middle Passage.

On the plantations opinion differed as to the economic value of the coolies. Some employers had found them very difficult to manage,[2] and many misunderstandings had taken place on the subject of work and wages—chiefly due, one gathers, from the want of intelligent interpreters, and to the failure of the managers to inspire confidence. The health of the Chinese was better than that of the Indians, though when the former were ill their disapproval of European doctors retarded their recovery.[3] Isolated frays had taken place in British Guiana between Chinese and negroes, but the latter "gave an assurance that they considered them (Chinese) more respectable than the Indian coolies, and would be glad to live on good terms with them."[4] That much was expected of their services in the future[5] was evidenced by the demand of the British Guiana planters (Feb. 26, 1853) that 1,500 emigrants from China should be introduced during the next season. The Trinidad planters, less fortunate[6] than those of British Guiana in their dealings with the Chinese, asked (July 7, 1853)[7] that 300 should be introduced the following year in addition to 1,000 Indian coolies.

The colonies being thus desirous of continuing the Chinese

[1] These figures exclude the 350 coolies shipped on the *Emigrant* at Whampoa, April 24. The vessel had to put into Hong-Kong as a result of a serious outbreak of fever. The intended voyage was abandoned, and the surviving coolies were sent back to their homes by agents of the vessel (for Messrs. Hyde, Hodge, & Co.).

[2] P.P. 986, Despatches from Governor, 5 in 16. Memorandum by Acting-Governor Walker, June 23, 1853: Disobedience of orders and refusal to work were due at times to the malicious interference or jealous and overbearing disposition of the creole foremen or drivers employed to overlook the Chinese labourers.

[3] Enc. 5 in No. 16. "Me no like English doctor; he wash out my inside all same as one teacup."

[4] *Ibid.*, British Guiana, Dispatches from Governor, No. 9.

[5] *Ibid.*, and No. 13; also Enclosures in Nos. 12, 13 and 16.

[6] *Ibid.*, Trinidad, Dispatches from Governor, Enclosure in No. 3.

[7] *Ibid.*, No. 6.

experiment, the Colonial Land and Emigration Commissioners took advantage of the opportunity offered by the presence in London of Mr. White, Dr. Bowring, Dr. Winchester (of the Consulate, Amoy), and Sir Henry Barkley (Governor of British Guiana) to hold several conferences on the subject [1] which led to the report [2] drawn up by the Commissioners, July 29, 1853. It was agreed that the bounty system must be terminated. After the arrival of the *Lord Elgin* and the *Glentanner* at Demerara, Governor Barkly had declared that "indiscriminate immigration upon bounty to this colony ought to cease," and on February 11, 1853, Ordinance 3, 1853, of British Guiana had provided for the withdrawal of bounty after July 31. Mr. White held similar views. They were further confirmed by the fact that on the two vessels dispatched from Amoy prior to Mr. White's arrival the mortality had been deplorable, while of the three dispatched subsequently the first loaded its human cargo under conditions which allowed of no fair test and the other two had very successful voyages. It was therefore decided by the Commissioners that all future emigration under contract to the British West Indies should be conducted by a Government official. They also agreed with the views expressed in conference that any collision with the Chinese people or authorities must be carefully avoided. Dr. Winchester's suggestion that heavy penalties should be imposed if British ships embarked emigrants at a non-Treaty port was accepted. The gentlemen in conference had considered a proposal that British ships should be forbidden to carry emigrants to foreign colonies since "all the odium arising from the cruelties, disturbances and bloodshed in English vessels carrying emigrants to foreign slave countries is attached generally to the British name." But the Commissioners were of the opinion that any such interference would be impracticable. They agreed, however, to the necessity of satisfactory regulations for the conveyance of emigrants at sea, although the difficulty of giving effect to any law that might be passed on the subject was very apparent. It was resolved, further, that the space

[1] P.P. 285, 1854–5, No. 1. [2] *Ibid.*, Enclosure 1 in No. 1.

required under the English Passengers' Act (15 ft.) was unnecessarily large and that under the Indian Act (12 ft.) sufficient—to which resolution effect was given by Act 16 and 17, Vic. C. 84, which made it competent for a Colonial Governor to declare by proclamation that a space of 12 feet would be sufficient for natives of Asia or Africa travelling through the tropics. The suggestion that the tonnage of ships engaged in the emigrant service should be not less than 800 tons was accepted. The necessity for securing female emigrants was recognized, but in conference Drs. Bowring and Winchester had deprecated in the strongest manner a purely female emigration as leading inevitably to the wholesale purchase and shipment of prostitutes, while they gave little hope of any appreciable result following the payment of a special bounty to male emigrants to induce them to take their wives with them.

The Commissioners having thus carefully considered the subject of Chinese emigration under contract to the British West Indies, appointed Mr. White to the position of Emigration Agent in China for the next season. Contract emigration was to be allowed under a system, the cost of which was to be borne partly by the public funds and partly by a tax on the employers of Chinese labour. Mr. White was instructed to make Hong-Kong his head-quarters, but discretionary power was left him to have recourse to Amoy if such a course were practicable and necessary.

On arriving at Hong-Kong, however, Mr. White was met by the insuperable difficulty of shipping.[1] He was only authorized to incur a maximum charge of $100 in respect to each coolie, and vessels offering for the emigration service were immediately taken up at prices which far exceeded the sum he was able to pay. Apart from Cuban and Peruvian contract emigration, the credit-ticket movement to California had increased at an almost incredible rate. Rumours of gold in Australia were already circulating in China, and an increased competition for shipping was expected for emigrants to Sydney and Melbourne. Seeing little prospect of getting vessels at Hong-Kong, Mr. White advised Messrs.

[1] For following, see P.P. 255, 1855, Enclosures 2, 3 and 4 in No. 3.

Tait & Co., Amoy, to take up any suitable vessels at that port for 500 or 600 emigrants to British Guiana and Jamaica. He further suggested that the emigrants might be procured at Namoa—a non-Treaty port—" although this is contrary to my expressed wish that the emigration should be conducted from Hong-Kong." It was contrary also to the opinion of the London Conference, and it completely ignored the late remonstrance of the Foreign Office. The Commissioners, on receipt of the news of Mr. White's decision, " regretted " the occurrence. " Your instructions were to get emigrants from Hong-Kong and Amoy. Emigration from Namoa is, you are aware, in direct violation of treaties with China." The censure of the Foreign Office was more severe:

" Lord Clarendon has seen with surprise the deliberate disregard shown by Mr. White for treaty engagements between Her Majesty and the Emperor of China and for Her Majesty's Order in Council, February 24, 1843 . . . and (he) cannot consider an expression of regret on the part of the Commissioners as sufficient to mark the disapprobation of Her Majesty's Government of so irregular a proceeding. . . . (It would) be impossible for H.M. servants in China to enforce the observance by British subjects of treaties between the two countries and of Her Majesty's Orders in Council for giving effect to them if a person in the employment of the British Government is suffered to take upon himself to disregard them altogether." [1]

Considering the difficulty of restraining the mercenary ambitions of many British subjects in the Far East, the attitude of the Foreign Office can be appreciated. The Commissioners argued that Mr. White had only suggested the collection of emigrants at, not the dispatch of ships from, non-Treaty ports. If such were not permitted, recruitment would be confined to the great seaport towns at which " the least well-disposed, healthy, and serviceable emigrants are likely to be procured." However, on June 12, 1854, the Colonial Office informed the Foreign Office that Mr. White was already on his way back to England, and would not be reappointed as agent. " Any other agent who may be sent out will be duly apprised that if he should knowingly and contrary to his instructions adopt any

[1] *Ibid.*, No. 4.

proceedings in violation of treaties he will be held amenable to the law." [1]

No coolies had been shipped during the second season of contract-emigration to the British West Indies—nor was the outlook for the future any more hopeful. Nevertheless, on March 9, 1854, the Court of Policy, British Guiana, had adopted a resolution for the importation of 3,500 Chinese during the coming season. The Commissioners, however, drew the attention of the Court to the fact that the determination of the Foreign Office to prevent illegal proceedings necessitated recruitment either at the open ports where the British general merchants and the higher Chinese officials were openly adverse to it, or at Hong-Kong, where there was no surplus population for emigration. But perhaps a greater difficulty in the way of continuing the experiment was its exclusively male character. The Indian Government, on behalf of the Indian coolies, had taken precautions against a social evil which threatened an emigration, the deliberate object of which was the establishment of a labour system, not the founding of a society. But Chinese contract emigration not only wanted official sanction. It was believed that the complex social traditions of the people were directly opposed to Chinese females leaving China. On the other hand, medical reports of disease and crime on the ships and plantations emphasized the urgency of the problem.

"The form of depravity which is to be anticipated from a purely male emigration already exists among the Chinese, and we can scarcely doubt that the absence of females would ultimately accumulate an amount of vice which would be intolerable." [2]

Though some of the emigrants later formed connexions with the native women, social differences at the commencement naturally tended to keep them apart. Mr. White had proposed to advance a small sum of money to male emigrants to make it possible for them to secure wives—an inverted dowry system being a long-established Chinese custom. The Colonial Office supported Mr. White's pro-

[1] P.P. ,255, 1855, No. 6. [2] Enc. 1 in No. 6.

posal, providing of course that it was officially regulated. But such a course was strongly opposed by Lord Clarendon [1] "as authorizing and legalizing the sale of women on British territory," Lord Clarendon's attitude being no doubt in part determined by the adverse reports of Dr. Bowring.[2]

The only alternative to Mr. White's proposal seemed to be for the agents to purchase young female children, who could be had at rates varying from $3 to $8. This was apparently the method adopted by Cuban agents who were placed under the obligation, by a Spanish Royal Decree, 1854, to secure a certain proportion of females.[3] But it was not suggested that the British West India problem should be solved in this manner.

The Commissioners, while regretting this difficulty, were not prepared to advise that Chinese emigration should be discontinued.

"As regards China, this emigration is to transfer thousands, and may result in transferring hundreds of thousands from a country in which the pressure of population renders famine not infrequent and female infanticide habitual to one in which their physical well-being, is humanly speaking, certain."

Moreover, they would be brought within the reach of fresh influences from law and religion. In addition to the value of the emigration to the Chinese themselves, "they may be of the greatest value in support of West Indian

[1] No. 4.

[2] No. 14. Dr. Bowring declared that although marriages were the subject of negotiations, bargainings, and contracts, it was not the fact that wives were habitually and regularly bought in China, though concubines might be.

[3] No. 39, and Enclosures in No. 41. There was at least one instance of gross abuse. The master of the *Inglewood* had taken on board at Ningpo forty-four female children, the eldest of whom was only eight years of age. The children had been bought by a Mr. Martinez, of Macao, for a destination not disclosed, but believed to be Cuba. The children had been confined in a cabin stated as being 18 ft. × 9 ft. × 5 ft. 10 in. between decks for three weeks without any attendants save the male cooks. As a result of the stench from the children's cabin, the master, second mate, and steward went down with fever. The matter was thereupon reported by some of the crew to the British Consul at Amoy. Under his care the children were removed, and subsequently taken into the charge of the Chinese Haefang. Lord Clarendon ordered that the master of the *Inglewood* should be criminally proceeded against under 5 Geo. IV. C. 113, S. 10, and the forfeiture of the ship sued for under Sections 4 and 12 of the Statute.

cultivation . . . the failure of which would lead to a relapse of the negroes to barbarism and an encouragement to the slave system of sugar production."[1] The Duke of Newcastle was, however, unmoved by these careful humanitarian arguments. On June 12, 1854, he reaffirmed the decision that unless a solution were found the Chinese contract emigration could not be permitted to proceed. "Her Majesty's Government cannot again incur the reproach of forming over again . . . such male communities as were formed in the earlier part of this century in Australia."[2] There being such obstacles in the way of its success, the experiment of introducing Chinese labour under contract to the British West Indies was discontinued until 1859. A large and regular supply of Indian coolies was obtainable during the intervening years, so that the planters were not dependent for their prosperity on Chinese immigrants. But the latter were valuable labourers, and the question of their introduction continued to be discussed. The West India Committee were therefore quick to seize upon the opportunity offered by the political rupture with the Governor-General of the Two Kwang in 1856 and the consequent appointment of Lord Elgin as British Minister-Plenipotentiary to negotiate a new Treaty with the Chinese Government. It was generally believed that the British Government could dictate the terms of the proposed Treaty. If the Chinese Government could be forced or induced to sanction emigration, not only might the latter be established on a better basis, but females might be more willing to leave the country. Pressure was put upon the British Government, with the result that a special clause was included in the detailed instructions issued to the Earl of Elgin, April 20, 1857. "The experiment might be worth trying of obtaining formal recognition on the part of the Emperor of the right of all classes of his subjects, male or female, to leave the country if they should be inclined to do so."[3] In addition to these general instructions to the Ambassador, Governor Wodehouse suggested[4] on January

[1] Enc. 1 in No. 6. [2] Enc. 2 in No. 6.
[3] P.P. [2571], 1859, Sess. 2, No. 2.
[4] P.P. 31, Sess. 2, 1859, p. 143.

22, 1858, the need in China of some person selected by the British Government to collect information, and to prepare a scheme for the establishment of a sound system of contract emigration. This scheme might be submitted to the Chinese Government by the Earl of Elgin as a basis for negotiations. The Governor was of the opinion that if the Secretary of State approved the proposal, the Legislature of British Guiana would be prepared to vote the necessary funds. Mr. J. Gardiner Austin, Immigration Agent-General of British Guiana and Acting Government Secretary, was recommended for the task. Governor Wodehouse testified to Mr. Austin's ability and acquaintance with the needs of the colony and the character of the coolies. The suggestion was accepted, and April 13, 1858, the Court of Policy approved Mr. Austin's appointment, and voted his salary of £1,500 per annum exclusive of travelling expenses. The Governor instructed Mr. Austin, May 25, 1858, to use every effort to devise such a scheme as "ought to satisfy the requirements of all reasonable and right-thinking men"; to dissociate British West Indian emigration from that to foreign countries; to secure as large a proportion of females as possible; to take care that every emigrant leaving China for the West Indies should do so of his own free will. Mr. Austin then left for China.

But the planters, realizing that it would be some months at least before any new scheme of legalized emigration could be instituted, had already proposed that the British Government should give its sanction to a temporary importation by private enterprise. To this end, Governor Wodehouse had suggested, March 18, 1858, that British Guiana should be given power to extend the meaning of the term immigrant in Ordinance of 1854, 62nd Section, in order to validate contracts made with Chinese coolies introduced at private expense.

"I sincerely hope," wrote the Governor, "that in face of the unlimited supply of labour which the French and Spaniards are now obtaining from Africa, India, and China, Your Lordship will feel warranted in sanctioning this experimental measure for the relief of one of your largest sugar-growing colonies." [1]

[1] P.P. 525, 1858, *passim*.

Lord Stanley gave his consent to the proposal, but limited its operation to one year. This second attempt to secure contract emigrants for the British West Indies by private enterprise proved the necessity for a system under full Government control. Mr. T. Gerard, who was sent to China, June, 1858, as agent for the West India Committee, succeeded in dispatching two emigrant vessels—on December 8, 1858, the *Royal George*, of 608 tons, with 300 Chinese males; and on February 15, 1859, the *General Wyndham*, 865 tons, with 461 Chinese, also males. Their recruitment and shipment had been effected in a manner so irregular as to call forth adverse comment from the Colonial Office, the Emigration Commissioners, and the Governor of British Guiana.

The experiments of the fifties had shown only too conclusively that Chinese emigration under contract to the British dominions, when conducted by private enterprize, was subject to the same abuses as that directed to other foreign countries. But there were too many British interests involved in the affairs of China for the British Government to sanction a traffic that was rousing an ugly temper in the Chinese populace of the seaports. The contract system must be established on a new basis if it was to continue in operation. But this was true not only of coolie emigration to British colonies—a small proportion of the total emigration from China under contract to foreigners. The Chinese, in fixing the responsibility for irregularities, did not discriminate between the foreign devils. The British Government, therefore, after 1859 adopted a policy of active intervention in the coolie traffic of the Chinese seaports.

Prior to this date a definite attempt had been made to minimize the abuses of the traffic by passing, in 1855, a "Chinese Passengers Act." Until this Act was enforced, British vessels, with almost a monopoly of the coolie trade, had been more or less free from official inspection. Even at Hong-Kong, where a few shipments of coolies under contract and most of the shipments of free and credit-ticket emigrants to California and Australia were effected, only certain portions of the Colonial Passengers Act had been applied—Sir S. Bonham having feared that a stringent and

efficient enforcement of the Act would drive a large and lucrative trade to other ports. Dr. Bowring, when taking over the Governorship of Hong-Kong, complained that there was not even machinery for carrying out such regulations as had been adopted, and suggested that the chief magistrate, Mr. Hillier, should be appointed emigration agent for the purpose of enforcing passenger regulations.[1] On the other hand, some of the clauses of the Passengers Acts were unnecessarily stringent and without relevance to the facts. An Act adapted to the circumstances was necessary, and on June 5, 1855, Lord Russell announced that a measure would shortly (June 30) be introduced into the House of Commons designed expressly for the repression of abuses in the Chinese emigration. "The Chinese Passengers Act"[2] contained detailed regulations to be observed by every British ship, and by every ship leaving a British port, carrying more than twenty Asiatics on a voyage of more than three days' duration. The duty of certifying that the regulations had been observed was to devolve on an emigration officer—a Government officer thus being given power and placed under the necessity of thoroughly inspecting every such emigrant vessel with a view to ensuring that the emigrants had been shipped voluntarily and that suitable provisions had been made for their accommodation.

But the Act, though it lightened the responsibility of the British Government, was inadequate to control and regulate contract emigration. It was continually evaded by British ships. Pending the appointment of emigration officers at the treaty ports, every British ship carrying passengers from China should have repaired to Hong-Kong for emigration papers. But by July 26, 1856, in only one instance had a "cargo of emigrants" been taken to Hong-Kong for examination, though there was reason to believe that many shipments had taken place from Swatow, Cumsingmoon, and Macao, in none of which was there a British official.[3] Even in Hong-Kong the principle of the Act was vitiated by the most inefficient administration.[4] For example, in

[1] Approved, August 29, 1854. [2] 18 & 19 Vict. c. 104.
[3] P.P. 521, 1857–8, XLIII., No. 24.
[4] *Ibid.*, No. 7. Case of *John Calvin*. See also No. 16 and enclosures case of

the case of the *John Calvin*, which cleared from Hong-Kong, March, 1856, bound for Havana, the emigration officer was not satisfied that out of 298 passengers more than 81 were willing emigrants. Nevertheless, he did not order the re-landing of the remainder, nor did he prevent the captain from putting to sea with all on board.[1] Even when the Act was more rigorously enforced, the result was not a regulated emigration but a more rapid substitution of the larger American for the smaller British ships in the emigrant trade. American vessels engaged between foreign ports were uncontrolled by Act of Congress until 1862, despite the reports of American officials in the East urging the necessity of penalties to fortify their proclamations against irregularities.[2] By 1860 the contract traffic was practically monopolized by the American clipper ships—French and Spanish vessels playing as yet only a minor part.

Obviously there was need of a more effective control over the contract traffic than an Act of the British Government. Sir G. Bonham and Dr. Winchester had both insisted that the Chinese Government must first officially allow emigration before satisfactory regulations could be instituted. The opportunity for urging such a course on the Chinese officials seemed to have arisen, when, as a result of the political rupture with the Chinese Commissioner of Canton, 1856, the British Government had decided to send the Earl of Elgin to China as Ambassador-Plenipotentiary.

Lord Elgin had been instructed to discuss the question with the Chinese plenipotentiaries when negotiating the Treaty of Tientsin. But he had not pressed the subject, fearing lest it should be made an excuse for further delay. And indeed the sanction of the Imperial Government was unnecessary for the purpose of regulation and control. The occupation of Canton by the British and French troops enabled the allies to exert effective local pressure on the Governor-General of the Two Kwang, who was responsible

Duke of Portland, and case of *Gulnare*, where the cursory nature of the examination called forth a severe comment from the Commissioners.

[1] Of these 298 coolies, 135 were lost on the passage—seven by drowning.

[2] U.S.A. House of Representatives, 36th Congress, 1st Session, April 16, 1860. Report No. 443.

to the Emperor for the preservation of peace in the provinces under his jurisdiction.

In 1859 that peace was seriously threatened [1]; competition in the coolie-traffic had rapidly increased during the last decade. The large shipments to Cuba had continued. In Peru the Decree of Emancipation, 1855, had resulted in an importation of Chinese coolies on a scale larger than had been required in the previous years [2] to satisfy the agricultural demands for a steady labour force. France had also turned to the East, a contract having been entered into, 1855, by the Minister of Marine and Colonies and two French merchants for the introduction of Chinese coolies into the French colonies of Guadeloupe and Martinique. For the years 1858–9 the importation of Chinese into the British West Indies at private expense was allowed. By 1859, though this contract traffic was carried on at most of the southern seaports of China, its centre had shifted to Canton, mainly as a result of the coolie activities in the Portuguese settlement of Macao, the outflow from which had its principal source in the Whampoa anchorage, Canton.

The abuses of the traffic had increased with the competition. In Canton they beggar credence. Coolies were induced to sell their freedom in the gambling dens,[3] or they were deceived by promises or engagements of work—such deceit being a common practice of the coolie-brokers.[4]

[1] Unless otherwise specified, see P.P. 2714, 1860, *passim*.

[2] From June, 1849–June, 1854, 7,356 coolies had been shipped to Callao and Panama in vessels of 11,470 aggregate tonnage. See P.P. 255, Enclosure in No. 24.

[3] P.P. 2714, 1860, No. 20 in 6, an arrested Kidnapper, Tang-Kang deposes: "On 2nd of 10th month I went into the town of Tung-Kwan and met an acquaintance named Chang-a-te' in the Yen-pu Street, where he kept a stall and enticed him by saying that gambling was a very lucrative business at Chang-chow, when he expressed his willingness to accompany me thither. I thereupon took Chang-a-te', hired a small boat, and went on board Yeh-a-sin's gambling boat at Chang-chow. Yeh-a-sin paid me $10 and gave Chang-a-te' himself $10 head money on the agreement that this money was to be gambled with. If Chang-a-te' won he was to pay Yeh-a-sin 100 cash profit for every dollar; if he lost he was to become a coolie. Chang-a-te' consented to this, risked his money and lost. He was then put in confinement by Yeh-a-sin in order that he might be sold.

[4] Enclosure 19 in No. 6. *Deposition No.* 19. Tsun-Chang: "I am thirty-six and belong to the Tung-Kwan district. I am a pedlar by trade. On the 3rd of the present month an acquaintance, Li-ah-Chang, engaged me to go with him to Canton to act as salesman for him, and we took our

Some of the coolies were deliberately drugged and possession taken of their persons,[1] others were seized by force. Once on the river-boats the coolies were detained until they expressed their willingness to emigrate with the foreigners. The crimps, stimulated by the combined promise of large profits and the effective protection afforded by their foreign employers, took desperate measures to bend the coolies to their will. They were pitiless and cruel, with many exquisite forms of torture at their command. The coolies were misused and beaten. If necessary they were tied up by the thumbs. "The tying up by the thumbs is a very painful thing," explained one rescued coolie who had been subjected to the torture.[2] Or they were plunged into the cold waters of the river until they consented to emigrate.[3] Some were told to choose between emigration and death.[4] The coolies were often "beggars in purse, energy, and intellect"—poor things easily terrorized. The torture was generally effective. "The punishment was more than I could endure, so I cried out that I was willing."[5] Having declared their willingness to emigrate, the coolies were taken on to the foreign receiving ships. They were asked by the foreigner if they were voluntary emigrants. If they replied in the negative they were returned to the crimps—until they changed their minds; if in the affirmative they were bought for sums varying from $13–$20 and put into the hold of the receiving vessel, where they were confined until their shipment to Macao or overseas.

By March–April, 1859, the coolie traffic in Canton had roused in the Chinese populace an angry fear. Their safety

passage thither. On the 7th as we passed Chang-chow, Li-ah-Chang left the boat with me for another, where he shut me up. Thus was I when taken (by the soldiers)."

Deposition No. 32. Lih-cheh deposes: "I am age thirty-two from the Chuh Yang district. On the 2nd day of the 10th month I met at Sheh-lung an acquaintance named Seen-a-te, who stated that a younger brother of his was a shopkeeper at Chang-chow, and he persuaded me to go thither to seek employ. I consented, and went with him in a boat. On the 4th we reached Chang-chow, where Seen-a-te, taking a sampan, put me on board a coolie vessel where I was kept in confinement. Before being sold I was seized and set at liberty (by the soldiers)."

[1] Enclosure in No. 4.

[2] Enc. 26 in No. 13. See also Nos. 20, 21, etc.

[3] Nos. 14, 19, 25, 26, etc. [4] Nos. 2, 5, etc. [5] No. 18.

was threatened, their tradition violated by the practices of Chinese crimps acting for foreign agents under a contract system nominally illegal and intolerably abused.

"When no man could leave his own house even in the public thoroughfare and in open day without the danger of being hustled under false pretences of debt or delinquency and carried off a prisoner in the hands of the crimps to be sold to the purveyors of coolies at so much a head, and carried off to sea never again to be heard of, the whole population of the city and adjoining districts were roused by a sense of common peril."

So the British Consul reported.[1] He added:

"That, under such circumstances, the people should attempt to protect themselves by administering a wild justice of their own upon the persons of any of the nefarious gangs of crimps that fell into their hands was a natural consequence of the supineness of the authorities."

During the early days of April several kidnappers were killed by the mob, "with the vindictive cruelty to which the Cantonese under less provocation are well known to be addicted."[2] The danger to the foreign community lay in the fact that although Chinese subjects were the agents, foreigners were the employers and ships and lorchas under foreign flags supplied the means. "There can be no respect for foreign flags and no security for foreigners while so monstrous a wrong is associated with them in the Chinese mind," Mr. Consul Alcock declared.

The allied commanders in occupation of Canton since January, 1858, no longer dared to remain inactive. The presence of the allied troops had so far restrained the people from giving vent to their angry disquiet in an attack on the foreign community as was the case in Shanghai during the following July, when the "iniquitous proceedings of certain Spaniards" in the coolie business led to serious disturbances.[3]

[1] Enc. 1 in No. 1. British Consul, Canton. [2] *Ibid.*
[3] See P.P. 2587, 1860, Correspondence with Mr. Bruce.
For a time it was feared that the European community of Shanghai was in danger. The French Consul, M. de Bourboulan, ordered the *Gertrude* to be brought into port, and an investigation was held by him in concert with the Intendant of the Su-Sung-Tai circuit. Later several crimps were discovered and summarily executed. Correspondence passed between Mr. Bruce, British Plenipotentiary, at the time stationed in Shanghai, and Commissioner Ho, Bruce declaring that the Chinese authori-

But there was a grave danger to the general peace. On April 6, the Chinese mercantile community sent a petition to Mr. Consul Alcock "humbly requesting that you, the honourable consul, will communicate with the other foreign consuls in order that with a reverential respect towards High Heaven's love of animate creation stringent measures may be adopted." [1] On the 7th the allied commanders issued a proclamation warning the people against the crimps and strictly forbidding kidnapping.[2] The allied police were instructed to take action in the matter. But as the British Commissioner, Mr. Parkes, pointed out to the Governor Peh-Kwei, "prohibition alone would not reach the root of the evil, which lay in the circumstance that foreigners coming to engage labour in China . . . have no authorized or respectable source to apply to for the men they want." [3] The necessity was for sanction and control. The allied commanders were in a position to exert pressure on the provincial authorities. Governor Peh-Kwei was responsible for the peace of the Kwangtung province. There was therefore no alternative to his revolutionary proclamation of April 9, 1859.[4] Kidnapping was forbidden on pain of death, rewards being offered for the apprehension of any "villains who inflict this misery." But while emigration under restraint was prohibited, voluntary emigration was allowed. It was admitted that amongst the densely crowded population some might be compelled by want to seek a livelihood beyond the seas. They were now at liberty to do so provided that they emigrated with free consent. Thus law and tradition were alike set aside. The British Minister, Mr. Bruce, wrote, May 3, that—

"it is a novel and important fact in Chinese administration to see a high officer and his magistrates setting aside a traditional

ties were making no serious attempt to discover the persons responsible for the outrage on British subjects, and accusing the Imperial Commissioner Ho of want of good faith in not contradicting reports which "if not entirely unfounded are at all events grossly exaggerated." "Day after day notifications have been issued ostensibly to quiet the public mind, but in reality calculated to excite it against foreigners by the announcement which invariably heads these notices that the late disturbance was solely due to the forcible abduction of Chinese by foreign agents."

[1] B.P., 2714, 1860, *passim*, Enc. 2 in No. 1. [2] Enc. 4 in No. 1.
[3] Enclosure in No. 3. [4] Enc. 5 in No. 1.

maxim which the circumstances of the population renders no longer applicable and admitting virtually that laws must be subservient to the exigencies of social change and progress —adopting, in short, the mobility of European in lieu of the rigidity of Chinese statesmanship."

The degree of compulsion necessary to effect this change must remain a matter for speculation.

The significance of the Proclamation was generally recognized by British officials in China:

> "I conceive the legalization of free emigration as calculated not only to strike at the root of the crimping system by depriving it of all plausible pretext, but to open wide the door for the supply of as much labour as may be required, and under conditions of the most unexceptionable and satisfactory character,"

wrote [1] Mr. Consul Alcock to Dr. Bowring, April 12, 1859. Contract-emigration from China could now be regulated with the assistance of Chinese officials. But unfortunately Governor Peh-Kwei's death postponed the consideration of satisfactory regulations until October of the same year, when Mr. Austin's scheme, already sanctioned by the British Colonial Office, was formally submitted to the Chinese provincial authorities for approval.

Mr. Austin's scheme was, of course, confined to emigration under contract to the British West Indies. In so far he proposed an entire change in its conduct. Contract emigration was no longer to be a speculative venture based on the payment of head-money. He himself was a salaried official without any immediate pecuniary interest in the number of coolies emigrating under the proposed regulations. The system of recruitment by Chinese crimps was to be abandoned. In its place he proposed to established a system of voluntary emigration operated with the fullest support and under the direct supervision of the Chinese authorities. There was to be a regulated movement of Chinese families from the overcrowded districts of the Kwangtung province to the half-empty spaces of the British colonies. All Chinese desiring to emigrate thither were to be invited to apply in person at a British Emigration House to be established on

[1] Enc. 1 in No. 2.

shore with every facility for ingress and egress. The Emigration House, he proposed, should be conducted under the joint supervision of a Chinese official appointed for the purpose and of the Emigration Agent. The Emigration Agent and the Chinese official should be responsible for the comfort of the coolies in the House and for the complete freedom in signing the contract. A coolie's wife and children should receive a free passage without being obliged to enter into any contract of service. Emigrant vessels should be carefully inspected by the Chinese official and Emigration Agent, who should be responsible for the accommodation prepared for the passengers. Shipment was to be effected under their joint control.

Mr. Austin was anxious that his scheme should be put into operation before the withdrawal of the allied troops from Canton. On receiving the sanction of the Colonial Office to his proposals he therefore applied, October 22, to the Allied Commissioners for permission to establish an Emigration House. Mr. Parkes, the British Commissioner, actively supported Mr. Austin's proposals in the informal interviews which followed with Governor-General Laou and some of the leading gentry. As a result of these discussions five Articles of Regulation [1] were drafted and formally presented to the Governor-General on October 26. He accepted them on the following day.[2] Voluntary emigration was again allowed, and the necessity of regulating contract emigration admitted.

On the 28th the Governor-General issued a proclamation, making known to the people that Mr. Austin's emigration scheme had the sanction of the provincial Government. For the Chinese, having no alternative, had at last dealt with the business in a practical manner, as Mr. Bruce pointed out to Lord Russell, December 5, 1859. The Governor-General adhered to his agreement, despite the contrary orders received from the Imperial Commissioner Ho, as a result of the serious disturbances at Shanghai and Ningpo in July. Mr. Austin immediately posted public notices explaining the conditions of service in the British West

[1] Enc. 5 in No. 6. [2] Enc. 7 in No. 6.

Indies and the rules under which the Emigration House was to be conducted in Canton. He informed the people that there was no slavery in the British West Indies, where special magistrates had been appointed to care for the interests of indentured immigrants. Contracts of service were for a period of five years, but might be determined after one year's service on repayment of a sum of money proportioned to the amount of passage money and the length of the period already served. Coolies under contract in the West Indies could claim $4 a month wages. If after arrival they preferred to receive the day-rate paid in the colonies, the matter would be arranged by the Protector of Immigrants. Food, clothing, accommodation, medical attendance, garden-ground would be provided by the employers. Chinese desiring to emigrate were encouraged to take their wives and children with them. If they desired to allot part of their wages to their relatives in China they could do so by agreement with the Emigration Officer, who would pay such amounts directly. The public were advised that every facility would be given the emigrants while in the House to have free intercourse with their friends. The applicants were warned, however, that if any Chinese remained in the House for seven days and then decided not to emigrate, they would be liable to prosecution for having received free food and accommodation under false pretences.

In addition to the posting of notices, Mr. Austin, by arrangement with the Governor-General, sent Chinese officials through the country districts in order to explain to the elders of the various villages and the gentry of the towns the proposed system of emigration under contract to the British West Indies. Copies of the regulations and explanatory pamphlets were freely distributed.

In the meantime the allied commanders had drafted a set of rules [1] under which Emigration Houses might be established within the allied jurisdiction. A licence was then issued to Mr. Austin, and on November 10 the British Emigration House was opened under the charge of Mr. T. Sampson, the local agent appointed by Mr. Austin, who had

[1] Enclosure 12 in No. 6.

already established his headquarters in Hong-Kong. A Chinese deputy Magistrate was also appointed as supervising officer for the Chinese authorities. A regulated system of Chinese emigration under foreign contract of service had at last been established. The British Commander-in-chief, Major-General Sir C. van Straubenzee, paid a tribute to Mr. Commissioner Parkes " for the very earnest and assiduous manner in which he has laboured to carry through a just system."[1] Dr. Winchester, the Acting British Consul, wrote of Mr. Austin, " that gentleman's ideas are remarkable for practical humanity and common sense. The Emigration Board appears to be eminently fortunate in having secured the services of a person possessed of such tact, prudence and liberal temper."[2]

But to establish a regulated system of contract emigration to the British West Indies was not sufficient for the effective control of the coolie traffic. Spanish, Portuguese and Peruvian speculators had been mainly responsible for the monstrous wrongs inflicted on the people by the Chinese crimps. An end must be made to the private traffic if the public peace was to be secured—and the British position in China maintained. As Mr. Bruce informed Lord Russell, the coolie agents had " succeeded . . . in implicating us in their proceedings because the Chinese cannot understand how they can be carried on without the permission of those who are virtually the masters of the country."[3] The final result must be " a popular outcry which may prove more dangerous to our position here than any hostility of Government or people when based on political grounds."[4]

The Governor-General, therefore, made it known that the regulations governing contract emigration to the British West Indies were to have general effect. A circular letter was sent to the foreign consuls, requesting them to instruct their nationals that emigration under contract might be carried on only through licensed Houses in Canton city. Mr. Perry, U.S.A. Consul, proposed that the business at Whampoa should be allowed to continue under regulations

[1] Enc. 2 in No. 17. [2] Enc. 1 in No. 10. [3] No. 13.
[4] Mr. Commissioner Parkes to the British Commander, Dec. 31, 1859, Enc. 2 in No. 13.

enforced by a Chinese superintending official appointed for the purpose. Laou insisted in reply that Whampoa was too far removed from his personal supervision for effective control. Moreover, there were many opportunities for abuse even in a regulated system if coolies were collected into receiving ships and not into Emigration Houses. Mr. Perry's application was therefore refused. Several parties desisted from their operations at the anchorage on being warned by the Consular officials of their illegality, but other speculators continued to collect coolies for shipment until the business was rendered too dangerous and costly by the active intervention of the Governor-General. Already, on November 1, he had sent a force of Chinese war junks to the Whampoa anchorage to suppress the practice of kidnapping. Forty-one kidnapped coolies were rescued and thirty-six kidnappers arrested. Of the latter eighteen were subsequently beheaded "as a warning to the people." A cruiser was then stationed at the anchorage as a permanent guard against the collection of receiving boats. The guard, however, proved inadequate for the purpose as the officer-in-charge was afraid to interfere too actively with native boats working in co-operation with foreign receiving ships. At the anchorage on December 9 there were still six foreign vessels receiving coolies—three American, one Dutch, one Peruvian and one Oldenburg.[1] Indeed the activities of the Chinese crimps and the foreign agents quickened during December as a result of engagements entered into by Spanish speculators to the extent of some half million dollars for the shipment of coolies to Cuba.[2] Eight petitions for the release of kidnapped men having been presented to the Governor-General early in December, Chinese officials were appointed to make an investigation. But they were incompetent and corrupt, and a first and second investigation were carried out by them in an unsatisfactory manner.[3]

[1] Enc. 2 in No. 9. [2] Enc. 2 in No. 9.

[3] Enclosure 23 in No. 13. Report of Mr. Mayers, of British Consulate, who was appointed as interpreter, but was refused admission to American vessels by American vice-consul. He accompanied the officers on the vessels of other nationalities. Of the investigations on the latter he wrote: "The officers, although furnished with clear instructions, mani-

The Governor-General therefore commanded that all coolies detained at Whampoa should be brought into the city for examination. On January 5, Mr. Perry, U.S.A. Consul, agreed to have the 578 coolies on the American ships conducted to Canton. On the same evening, however, the *Messenger*, under American colours transhipped over 200 of her coolies into a smaller vessel which made direct for Macao. For this deliberate attempt to evade their agreement, Laou held the Consul responsible. Mr. Ward, U.S.A. Minister Plenipotentiary, was immediately notified of the occurrence. He arranged with the Portuguese Governor to have the coolies returned to Canton for examination. He also instructed Flag-officer A. Stribling to prevent the captain of the *Messenger* from putting to sea without his papers. "Should he do this, our national position with the Chinese would certainly be most seriously compromised." [1] Mr. Ward allowed the coolies to be examined within the jurisdiction of the allies in Canton only on the distinct understanding that such an examination should be conducted by American and Chinese officials without the slightest interference on the part of the allied Powers. "The mixed Government of Canton rendered all negotiations upon this subject both difficult and delicate." [2] When questioned the coolies declared themselves unwilling to emigrate. Monstrous wrongs had been inflicted on them by the Chinese brokers. They were freed.

During December the French emigration agent had applied for and received permission to establish an Emigration House under the rules already sanctioned.[3] As a result of the Whampoa incident, Mr. Ward, the U.S.A. Minister, required all American ships to conform to the regulations governing emigration under contract [4] pending receipt of

fested from first to last an utter disregard of their manifest duty of obedience, showed anxiety only for the avoidance of all personal trouble and for the shifting of any responsibility that might be incurred upon myself." The Chinese investigation was punctuated at short intervals by champagne and sweetmeats.

[1] U.S.A. Ex Docs. House of Reps. 1859–60, Vol. 13, Jan. 12, 1860, Ward to Stribling. [2] *Ibid.*, Ward to Cass, February 24, 1860.

[3] P.P. 2714, 1860. Enc. 1 in No. 10.

[4] He could, however, impose no penalty for non-compliance. In Feb., 1858, Mr. Reed, American Consul, had declared it his opinion that

further instructions from the Secretary of State. The Spanish speculators also found themselves under the necessity of converting their coolie business into a system of voluntary emigration, and Spanish Emigration Houses ·e established in Canton.

On February 4, the Governor-General repeated his decision to disallow contract emigration unless under control—"Neither Chinese nor Foreigners will be permitted to establish at any place within this river dens for the clandestine collection of coolies. This for the future is a fixed rule."[1]

The importance of the change in the nature of contract emigration was appreciated by the Foreign Consuls. To it they gave their full support. They were agreed that the continuance of an unregulated trade in coolies would have exposed the resident community to a serious peril, especially if the allied garrison were withdrawn. On January 12, the allied commanders had begged them "to concert among yourselves the measures best calculated to correct the abuses that have been brought to light."[2] "We can see no remedy for these evils," they replied on February 11, 1860.

"save the establishment of a 'free emigration' under national and comprehensive rules easily understood and impartially executed under the active and constant supervision of officers appointed by the Chinese Government. . . . We shall gladly exert the influence of our official positions in preventing the shipment at this port by vessels under the flags of our respective Governments of any coolies who shall not have been properly passed under the regulations already promulgated by His Excellency Laou."[3]

the provisions of the 4th Section of Act of Congress, April 20, 1818, should apply, but the Hon. J. S. Black, Attorney-General of U.S., ruled such an opinion to be erroneous, March 11, 1859. "I sincerely hope," Mr. Ward wrote to Mr. Cass, Jan. 24, 1860, "that the attention of Congress being called to this subject some law will be passed regulating this trade and putting it more under the control of the American Minister or chief diplomatic agent in China." On February 19, 1862, an Act of Congress (109) was passed to prohibit "the Coolie Trade by American citizens in American vessels." Though the prohibition was evaded by the interpretation of terms, American vessels engaged in the traffic were by this Act brought under the supervision of Government officials.

[1] P.P. 2714, 1860. Enc. 2 in No. 18. [2] Enc. 25 in No. 13.

[3] Enclosure 4 in No. 16. The memorandum was signed by the Spanish Consul-General, French Consul, U.S.A. Consul, Acting British Consul, Acting Belgian Consul, Acting Prussian and Oldenburg Consul. The Dutch, Portuguese and Hanseatic Consuls were absent from Canton.

But there were many difficulties in the way of an efficient administration of the new system. While the shipment of coolies from Macao, and to some extent from Hong-Kong, was effected without adequate control, Chinese crimps would be prepared to risk the charge of kidnapping in return for the high profits of the coolie traffic. On the sincerity of the Portuguese Governor in his decision to prevent Macao from becoming "a refuge for men systematically engaged in violating Chinese law," [1] largely depended the future of the regulated emigration.

Moreover, the administration of the system would certainly be weakened when the allied occupation was terminated. Governor-General Laou was no doubt sincere in his determination to suppress kidnapping. But minor Chinese officials could generally be corrupted or browbeaten by enterprising foreigners. And further there was no certainty of the attitude of the local authorities once the allied troops were withdrawn. It was known that the Imperial Commissioner Ho was strongly opposed to any emigration system, and it was believed that he represented the opinion of the Court of Peking. As Mr. Bruce, British Minister in China, explained, February 6, 1860, the atrocities connected with private emigration effectually served the purpose of the anti-foreign party by exciting the animosity of the Chinese people. He was inclined to think that they were, on that account, regarded with satisfaction by some of the officials. If the Imperial Government adopted an attitude hostile to a supervised system of contract emigration the new regulations might be disallowed by the provincial authorities. The inevitable result of such a disallowance would be a revival of the illegal and inhuman but profitable traffic of the past. Mr. Bruce therefore urged Lord Russell to consider the matter in concert with the French and Spanish Governments. The greater the inaction of the Chinese officials, the greater the responsibility on the foreign powers, "a responsibility which the dictates of

[1] Enc. 1 in No. 16. See also U.S.A. Ex Docs. 1859–60, Vol. 13, Mr. Ward to Mr. Cass, February 14, 1860: "The Governor-General of Macao, who is both a man of ability and humanity, has assured me that the coolie traffic in Macao shall hereafter be placed under very different regulations."

humanity and of self-interest alike forbid them to evade." [1] Lord Russell responded to the appeal by sending a circular letter on the subject to the British Ambassadors at the principal foreign courts.

> "The state of society in that vast Empire, where the population is superabundant and at the same time civilized, where regular laws can be enforced and the hiring of labourers for the purposes of emigration may be reduced to method, affords peculiar opportunities for organizing a system of emigration by which the wants of those countries which have heretofore looked to Africa for labourers may be fully supplied. These fair prospects will, however, be marred if the various European and American Governments interested in Chinese emigration do not combine to enforce stringent regulations upon those who are engaged in conducting it, and H.M. Government earnestly hope that the (French) Government will take the necessary measures for this purpose. By judiciously promoting emigration from China and at the same time vigorously repressing the infamous traffic in African slaves, the Christian Governments of Europe and America may confer benefits upon a large portion of the human race, the effects of which it would be difficult to exaggerate." [2]

But in this matter there was no need for concerted action on the part of the European and American Governments. In 1860 Imperial China was in the power of the allied conquerors. By an emigration clause inserted by the Earl of Elgin, for Great Britain, and Baron Gros, for France, in the Convention of Peking, voluntary emigration from China for service in British or French territories was sanctioned and the necessity for regulating such emigration under contract admitted. The Spanish Government secured similar Treaty rights in 1864.

The 5th Article of the (British) Convention of Peking ratified under such circumstances has had a significance in British Colonial History unforeseen at the time of its drafting. In 1860 it expressed the unwilling consent of the Imperial authorities to a system of foreign contract emigration. In 1887 it was interpreted by the Chinese

[1] No. 19.

[2] Lord Russell to Earl Cowley for French Government, July 11, 1860, No. 22.

Government as securing to Chinese subjects a right of immigration into British Dominions. Its phrasing therefore acquires a peculiar intere

"As soon as the ratifications of the Treaty of 1858 shall have been exchanged, His Imperial Majesty the Emperor of China will, by decree, command the high authorities of every province to proclaim throughout their jurisdiction that Chinese choosing to take service in British colonies or other parts beyond the sea are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall in concert with Her Britannic Majesty's Representative in China frame such Regulations for the protection of Chinese emigrating as above as the circumstances of the different open ports may demand." [1]

The regulated system of Chinese emigration under contract to the British West Indies, established in 1859, was extended during 1860 and 1861 by the opening of subsidiary agencies in country districts and at Swatow and Amoy. During the years 1859–66 some 9,987 Chinese, of whom 1431 were women and 244 children, were shipped by the British agent, the greater number of them being destined for British Guiana. Owing to two tragedies at sea, only 9,206 of the total number shipped were landed at their destination. Mr. Austin had been very successful in promoting the emigration of families, but the expense of the system was questioned by parties concerned, and after the 1862 season Mr. Austin was not reappointed Emigration Agent. At the same time instructions were sent to Mr. Sampson, now Emigration Agent, to reduce the establishment. However, in 1864 it was again decided that Chinese importation should be encouraged, and orders for a regular supply of 2,000 coolies for three years were forwarded to China. That these orders were not carried out was due to the intervention of the Chinese Government.

The Treaty of Peking had provided for the drafting of general regulations for the control of the coolie traffic, but there was no interference with the system as established in

[1] Article 5 (British) Convention of Peking.

1859 with the consent of the provincial authorities until 1865. Such abuses as occurred in the recruitment and shipment of coolies after 1859 testified to the want, not of further regulation, but of honest officials. However, scant attention had been given in 1859 to the terms of the contract signed by the coolies prior to embarkation. But since that date ugly rumours concerning the fate of the Chinese who had been shipped abroad were circulating. Few contract emigrants had come back from Cuba or Peru ; none at all from the British West Indies. Yet the love of the Chinese for the ancestral home was no weak thing. Why did they not return ? To understand the action taken by the Chinese Government in order to safeguard the welfare of its subjects during their period of labour abroad, the conditions under which they worked should be known. It will be sufficient for this purpose to describe these conditions as they obtained in British Guiana and Cuba, concerning which two countries the information recorded by diplomatic correspondence and private reports is substantiated by the valuable evidence of two Royal Commissions, the one appointed in 1871 by the British Government to inquire into the conditions of labour in British Guiana ; the other appointed 1873 by the Chinese Government to inquire into alleged abuses against Chinese subjects in Cuba.

In British Guiana the Royal Commission was appointed under instructions from the Colonial Secretary (March 10, 1870), to investigate serious charges against the treatment of indentured labourers on the sugar estates in British Guiana, made on December 26, 1869, by the Hon. Mr. Des Voeux, Administrator of St. Lucia, late stipendiary magistrate of the former colony. The terms of reference under which the Commission conducted the investigation included an inquiry into the condition of all indentured labourers, whether Indian or Chinese. The present description will be confined exclusively to the latter class.[1] On arrival in British Guiana the coolies were taken into the charge of a Government Immigration Agent. The whole process of labour importation into British Guiana was officially regu-

[1] Report of B.G. Commission, 1871, C. 393, *passim*.

lated—the necessary funds being raised partly at the public cost, partly by direct or indirect taxes on the employers. By the Immigration agents the coolies were allotted to the sugar estates. British contracts were not assignable as between private parties—speculation being thus eliminated. The estates were visited by Government inspectors to assure the welfare of the labourers. Nevertheless the Report of the Commission revealed several instances of personal cruelty to the indentured coolies. Mr. Des Voeux had declared that "the power of obtaining an unlimited amount of new hands to so great an extent at the public cost is an encouragement of an uneconomical use of existing labour and of carelessness and even cruelty in the treatment of those already under indenture." The Commissioners admitted, "It may be readily conceived that the occurrence of one or two instances in such a manner as to become known must indicate a high-handed and arbitrary rule of management such as may be the cause of daily petty acts of tyranny never investigated or heard of." It is evident also that the authors of any ill-treatment too frequently escaped punishment.[1] On the whole, however, personal cruelty was not of frequent occurrence and did not constitute one of the serious grievances about which the indentured labourers complained. Their chief complaint was on the subject of wages or of the too exacting task work.[2]

Reporting on the payment of wages the Commissioners stated, "In our researches we have noticed here and there an excessive indulgence in the practice of arbitrary stoppages and some scattered instances on estates where the practice did not seem so common of which no satisfactory explanation was afforded us." [3] Nor did the coolies have adequate means of redress. It is true that the terms of the contract were subject to penal sanctions. But as the Commissioners

[1] Even in a clear prima facie case of the murder of a Chinese coolie by the head overseer and a driver on the plantation Annandale, the perpetrators went unpunished. See p. 82.

[2] One of the special grievances of the Indian coolies—the interference of European overseers with their women—does not seem to have applied to the Chinese, perhaps because the number of Chinese women was comparatively small.

[3] P. 83.

reported, the labourers were rarely able to secure justice in the Courts. The impartiality of some of the magistrates was open to question. The planter or his representative were always in a position to produce " a phalanx of evidence," while the coolie's unfamiliarity with the English language made it difficult for him, whether prosecuting or defending, to successfully plead his cause. The Commissioners reported that " as a matter of daily experience . . . penal enforcement has been an enforcement against the labourer alone." The Commissioners further condemned the evils which resulted from the existence of a harsh penal law only occasionally put in force. For instance, the number of labour-tasks which the employers were permitted by law to exact were beyond the power of the average labourer to perform. But although the majority of labourers were thus open to the charge of breach of contract, only a minority were prosecuted. These latter naturally tended to regard a sentence by the courts not as punishment for a breach of law, but as a mark of the employers' disfavour. Though the Commissioners declared that many of the charges made by Mr. Des Voeux were exaggerated, they reported that they " had been face to face with a condition of things the gravity of which it is folly to extenuate."

Apart from particular abuses arising under the indentured system, the status of the indentured labourer was gradually being lowered. It is instructive to trace the course of British Guiana labour legislation over a period of years. When the subject of Chinese contract labour was under discussion in 1843, Lord Stanley had allowed contracts for five years on the conditions that they should be terminable by the labourer at the end of six months or at subsequent yearly intervals. In Lord Stanley's opinion this was a necessary security against injustice. When the subject was reopened 1850–52, Lord Grey had again allowed contracts for five years, the coolies being empowered to terminate them either on the repayment of the expenses of their introduction less an amount proportioned to their period of service; or at the end of each year, after which they would be subject to a small monthly tax. But this right to terminate contracts

was regarded by the planters as subversive of the very purpose of the contract system—the command of a regular labour force on which they could rely over a period of years. In 1853, the British Guiana Legislature passed an Ordinance 13 by which contracts were legalized absolutely for five years the right of redemption being withdrawn. But the Ordinance was disallowed by the Duke of Newcastle in a letter of severe criticism. Hence when Chinese immigration was recommenced, 1857, the coolies were able to terminate their contracts, though only at annual intervals and on the repayment of a sum proportioned to the expenses of introduction and the period of service rendered. But by Ord. 14, 1859, on the plea that the contracts recently signed in China were badly drafted, new contracts were substituted. They could not be determined for a period of three years. This Ordinance was temporarily revoked in 1860, but Ord. 30, 1862, and the Consolidated Ord. 4, of 1864, went still further. The contracts were legalized absolutely for five years. "No such immigrant shall be entitled to change his employer or to commute any part of his term of service." Even the former power vested in the Governor to declare an indenture cancelled, and an indenture fee forfeited in cases of misconduct by the employer was revoked. The planters had acquired a rigid control over the services of the coolie for a period of five years. The Ordinances were not disallowed. And, further, as the Commissioners pointed out, a no less significant change in the contract system was effected by the clauses of Ord. 3, 1863 which were embodied in the Consolidated Ord. 4 of 1864. At the end of an industrial period a further contract of five years was legalized. It was not determinable during that time. No immigrant was bound to enter into a second contract, but "care has been taken so to arrange the incidents of the system as to induce him with very strong inducements to reindenture." The Commissioners were of the opinion that "a harsh system of law had been kept up not so much for use as that condonation of offences under it might be bartered against reindenture." They declared that the position of a free immigrant disposed to remain in the colony had not received that consideration

from the Legislature, which a new country needing population should have afforded. A bounty of $50 was offered "to persuade those in a dependent position to refrain from claiming their independence." The Duke of Newcastle had regarded the contract as a necessary but temporary incident in the life of the immigrant. He had contemplated the development of a free society. But the planters' legislation was directed to the establishment of a permanently indentured labour force. "It thus represents if it did not cause a great change in the aspect of the problem in British Guiana."

But if the indentured labour system in the "free society" of British Guiana was open to grave criticism, in Cuba, where slavery was not yet abolished, it was subject to intolerable abuses.

On November 29, 1873, the Tsungli-Yamen, under the sanction of an Imperial Edict of September 21, appointed Commissioner Ch'en, officer-in-charge of the educational mission abroad, and the Commissioners of Customs, Mr. Macpherson (British) and M. Ruber (French) to inquire into the conditions under which Chinese subjects lived in Cuba. The Commissioners met in Cuba, March 19, 1876. 1,176 depositions were taken and 85 petitions, supported by 1,665 signatures, received. The Commission's Report [1] is perhaps the most serious indictment ever made by responsible officials against a labour system.

In all, some 40,413 Chinese coolies had been shipped to Cuba. Eighty per cent. of that number had been kidnapped or decoyed. Ten per cent. had died during the Middle Passage. Only in very few instances did petitions or depositions admit a satisfactory treatment on the vessels. On arrival in Havana the coolies were taken into the "men-markets." One of the most objectionable clauses in the Cuban contracts was that which rendered them assignable as between private parties without the further consent of the coolie. In Cuba the coolie was not knocked down to the highest bidder. It was his contract that was bought

[1] Printed at Imperial Maritime Customs Press, Shanghai, 1876, F.O. Copy.

and sold,—but "the chattel went with the conveyance." All the elements of a slave trade were present in the transaction. "We waited in the men-market the inspection of a buyer and the settlement of the price." The coolies were stripped and their bodies examined "in the manner practised when oxen or horses are being bought." The proceeding was regarded by the Chinese as "shameless and before unheard of by us." Ninety per cent. of the contracts were bought for the sugar plantations; the remainder were either for tobacco and coffee estates, farms and market gardens, warehouses, the "cigar, shoe, hat, iron, charcoal, bakers', confectioners', stone-cutters' and carpenters' shops; bricklayers and washing establishments, railways and gas works, brick-kilns or cargo boats." Some of the coolies were employed as municipal scavengers or as domestics and cooks. The coolies taken to the sugar plantations—90 per cent. of the total number—suffered more than those whose fate took them to other situations. The contracts stipulated for twelve hours' work a day and free Sundays. The Spanish Royal Decrees 1854 and 1860 also provided that under no circumstances should employers exact on an average more than twelve hours' work a day, though they allowed work on festival days (including Sundays) if permitted by the ecclesiastical authorities. But the inquiries of the Commissioners and numerous petitions showed that eighteen to twenty-one hours' work a day were commonly exacted. "The administrator who forces the Chinese to work twenty hours out of the twenty-four is a man of capacity, if he extorts twenty-one hours his qualities are of a still higher order." But no increase was made to the $4 wages usually stipulated for in the contracts. Indeed, as many of the coolies by petition complained, this amount was not equal to $2 in China owing to the depreciated paper currency. Moreover, in not a few cases large arrears of wages were owing to the coolies. The rations appear to have been insufficient—consisting largely of maize and bananas. Additional food had to be bought at the estate shops. "If we attempt to make a purchase outside it is said that we are running away and we are compelled to

work with chained feet." The prices in the estate shops were extortionate and the goods of inferior quality. There was also the complaint in one petition that "Monthly as wages we receive four tickets, which can only be employed in payment of purchases at the plantation shops. Elsewhere they cannot be used, nor is it possible to change them for bank notes."

If under these unsatisfactory circumstances the coolies did not work with their full vigour or with satisfactory results, the plantation managers and their negro overseers had many forms of torture to urge them on. Clause 69 of the Spanish Royal Decree, 1860, empowered employers in certain instances to exercise a disciplinary jurisdiction in virtue of which they might inflict the penalties of arrest from one to ten days, or deduct wages during the same period. But the Spanish Government "never intended to sanction the arbitrary infliction of chastisements and fines." The managers, however, placed no limit on their own disciplinary powers. Whips, rods, knives, chains, hounds, cells—any cruelties that pitiless minds could suggest were used to extort the last degree of economic strength from the victims, cruelties that defeated their purpose.[1] Satisfactory hospitals were provided on many of the estates . . . "but the proportion of Chinese penetrating to them is apparently small." Coolies reporting sick were frequently accused of neglecting their work and were flogged—on occasion to death. During the industrial term the contract was transferred at the will of the employer. Statements were made to the Commissioners to the effect that many of the coolies had been "resold" for amounts varying from $70 to $170. The Cuban contracts stipulated for a labour period of eight years. Before 1860 the Chinese, once they had completed their industrial service, were entitled to purchase their letters of Domicile and the Cedula which permitted them to engage in independent work. By this means some of the coolies shipped to Cuba in the early years

[1] "It was also possible to verify by personal inspection wounds inflicted upon others, the fractured and maimed limbs, blindness, the heads full of sores, the teeth struck out, the ears mutilated, the skin and flesh lacerated, proofs of cruelty patent to the eyes of all."—Report.

of the traffic were able to attain to some degree of freedom. But by the Royal Decree of 1860 the right to become a free citizen was withdrawn. The status of the coolie in Cuba after the contract term was thus fundamentally altered. Within two months after the termination of his contract he must either have entered into a new engagement or have left the island. This provision was successively applicable. In the intervals between recontracting the coolie must be lodged in a government depot and employed on public works. In depot the coolie received no wages. Nominally, the value of his work was estimated, and the sum thus accumulated to his credit, after reduction for maintenance, was utilized to defray the cost of his passage "to the locality which he may select or which, if he fails to do so, the Captain-General may designate for him." This provision had no reference to a return passage to China, despite the complaint of many of the depot coolies that they had been engaged for years without wages on public works. The Regulations of 1868, which provided that a coolie who had worked for a year in a depot should be sent away at the cost of the depot, were not enforced. The Decree of 1860 thus left the coolie with no escape from a life of industrial servitude. Few had ever been able to accumulate sufficient money to leave the island—the wages being so small and the prices of additional food and clothing so high. The total departures were estimated at 2,179.[1] Pressure was put on the coolie to renew his contract with the original employer, the latter's position being strengthened by a system of guardianship that obtained in Cuba until 1872. If the coolie was able to attain the depot, he was generally coerced by the officials to recontract—unless his sufferings had incapacitated him for continuous work. On occasion the depot coolies were hired out by the depot officials, who retained the larger share of the coolies' wages. "At their will they hire out to labour or recall from it our countrymen whom they have converted into serfs not of an individual but of an entire island." In British Guiana there was a marked tendency to retain the Chinese under contract.

[1] Probably to the neighbouring islands.

In Cuba the period of industrial servitude was endless save by death. During the first twenty years of Chinese labour, out of the 114,081 coolies landed, 53,502 escaped from life. "All these too were young men."

Certain nominal provisions had been made by the Spanish Royal Decrees to secure the persons and the contract-rights of the Chinese. By the Decree 1860, the Captain General of Cuba was appointed Chief Protector of Chinese. He exercised this function in the various jurisdictions by means of his delegates, the Governors and Lieutenant-Governors, who in turn were aided by the Captain of the district. On June 20, 1873, under orders, from Spain, a paid Inspector of Chinese immigration was appointed. But the value of such protection can be measured by the cruelties practised. It was also provided in 1860 that Chinese labourers, when ill-treated by their employers or subjected to any breach of contract, should proceed to their Protector, whose duty it was to investigate the cause of complaint. But in the first place the coolies found it almost impossible to avail themselves of the right. If a coolie left his plantation without a special permit from the manager, against whom his complaint would be most frequently directed, he was treated as a deserter. Huang A Shin deposed that following on the murder of one of the coolies by a plantation administrator, a party of Chinese set out to lay complaint before the authorities, "but we had proceeded only half the distance when we were overtaken by the administrator at the head of a party of armed men and were carried back and chained." Even when the coolies succeeded in preferring a complaint, redress was seldom obtained. "The officials here are often merchants, others are completely under the influence of the planters and all ignore the outrages committed and do not even make an inquiry into the cases of suicide or murder. . . ." "The authorities when such cases reach their ears accept the masters' bribes and give no heed to the crime." The officials did, on occasion, transfer the coolie from the service of an employer to a government depot. But if such a course expressed a sense of justice, it was regarded by the coolies themselves as punishment. "My employer

owes me $128," declared Lin A' T'an. " I came to Havana to complain, but the officials not only gave no heed, but also confined me in the depot, where I have now been working without wages for two years." It should be remembered, in considering the relations between the coolies and their Protectors, that they were divided from each other by the unbridged gulf of language—a difficulty in the way of justice that one is forced to appreciate.

A right to redeem the contract was a further nominal security for the Chinese in Cuba. But the conditions of redemption were so onerous as to be absurd.[1]

There was then no redress. " Though all these wrongs are inflicted we can only fold our arms and submit." They suffered. When the suffering became intolerable they died. " All these too were young men."

It cannot be assumed that the Chinese Government in 1865–6 was fully aware of the actual conditions under which the Chinese coolies were labouring abroad. Nevertheless, sufficient information was available to show the necessity of a careful supervision of the contract terms and of a fixed responsibility for their fulfilment. Therefore when the attention of the Prince of Kung was drawn to the subject by the increased irregularities in recruitment and shipment during 1865, he directed a new code of Regulations to be drafted.[2] After the arrival of Sir R. Alcock, the British Minister Plenipotentiary who had been sent to China to negotiate a revision of the Treaty, the Code with certain alterations was embodied in an Emigration Convention,[3] which was signed, March 5, 1866, by Sir R. Alcock and M. de Bellouet, for Great Britain and France, on the one hand, and the Prince of Kung, for China, on the other. The provisions of 1859 for the control of recruitment and

[1] The coolie must refund the amount paid for his acquisition, an indemnity for any period of cessation of work during the preceding service, the highest estimate passed by experts of the increased value of the immigrant's services since his acquisition, and compensation for the loss incurred by the difficulty of replacing him. The coolie might not redeem his contract during the sugar season or in a time of pressing labour.

[2] The following information has been taken by the courtesy of the Foreign Office from the F.O. Confidential Papers.

[3] Sir R. Alcock to Lord Stanley, Mar. 24, 1866, Enclosure 5.

shipment were retained almost in their entirety. But the Convention of 1866 had a larger scope than the agreement of 1859. Chiefly, it limited the period of contract to five years and it secured to the emigrant a free return passage at the end of his service or a sum of money equivalent to the value of such passage.[1] It held the Emigration Agent responsible under the laws of his country for the due execution of the clauses of the contract signed by him until its expiration.[2] In addition to the terms of the Convention the Prince of Kung requested that if Chinese subjects were taken to countries with which China had no treaty relations, efficient protection might be extended to them by the Representatives of the Power under whose flag they had been shipped. "The sole object and aim of the Government of China is to secure proper protection to her subjects." The Convention was at once put into force at the Northern and Southern seaports. Thereupon Sir R. Alcock instructed H.M. Consuls to prohibit any shipment of Chinese to British territory unless made under the terms of the new Regulations.

In forwarding the Convention to the British Foreign Office, Sir R. Alcock strongly recommended its acceptance. In his opinion a five years' service and a free return passage on its completion were essential conditions if the emigration system was to be of mutual advantage to employers and labourers.[3] But the Convention was not ratified either by Great Britain or by France.

Immediately on receipt of "this extraordinary Convention," the British West India Committee protested (June 8, 1866) against the free return passage. A deputation interviewed Lord Carnarvon, August 3, 1866, and won from him the promise that the Convention would not be ratified save with modifications.[4] At the request of the Foreign Office (Oct. 20, 1866) the Colonial Land and Emigration

[1] Arts. VIII and IX. [2] Art. V.

[3] "I cannot too earnestly repeat my conviction that if a traffic in coolies in no true sense distinguishable from slavery, and the most odious form of it which the world has yet seen, is to be put a stop to in China, the two most essential conditions are those established by the Convention of March last."—Alcock to Stanley, Nov. 26, 1866.

[4] Mr. Elliot to Mr. Hammond, Jan. 4, 1867. Enclosure.

Commission explained their objections to the Convention and drafted a set of alternative Regulations. The views of the Commissioners were supported by the West India Committee, by the Acting Governor of British Guiana and the Governor of Trinidad. The chief objection was the return passage and the clauses relating thereto. The basis of their argument was financial. They argued that at the end of ten years not more than from 10–15 per cent. of the Indian immigrants took advantage of the return passage to which they, by arrangement with the Government of India, were then entitled. Under the Convention each Chinese immigrant would get at the end of five years either a return passage or the value of it. The cost of 100 Chinese labourers would then exceed the cost of 100 Indian labourers by nearly £2,000.[1] Moreover, Mr. Murdoch pointed out that there were some 12,000 Chinese immigrants in British Guiana and Trinidad who had been introduced without a stipulation for back passage. He was of the opinion that the introduction of a number of their fellow countrymen under the more favourable terms proposed in the Convention would produce discontent and jealousy among those already in the colony, and would probably lead to a determination on their part to refuse to work unless granted similar advantages.

"The contest that that would produce between the employer and the immigrants would be an evil of serious magnitude, and might even threaten the peace of the colony. It would therefore be a question with the planters especially in British Guiana whether, irrespective of expense, the labour to be obtained under the new Convention would be worth the evils to which it would give occasion among the Chinese already there." [2]

The West Indian planters were not dependent on Chinese

[1]

Passage of 100 coolies from India at £16 per head . .	£1,600
Return of 15 per cent. to India at £13 per head . .	195
Total	£1,795
Under the terms of the Convention:	
Passage of 100 coolies from China at £25 per head . .	£2,500
Return of 80 per cent. (20 per cent. mortality) at £15 per head	1,200
Total	£3,700

[2] Mr. Murdoch to Sir F. Rogers, Nov. 7, 1866.

labour—the Indian supply being satisfactory. Nevertheless, the Chinese coolies were valuable labourers and therefore the planters directed their energies to securing a Convention, modified so as to permit the continued importation of Chinese coolies by omitting the condition of a return passage or its equivalent.

But if the British planters objected to a return passage, the French merchants objected no less strongly to the five years' limitation. The French were concerned with the emigrants less as labourers than as cargo, French ships having found the trade to Cuba and Peru very lucrative. But Cuban and Peruvian contracts stipulated for eight years' service. The five years' condition was obviously impossible.

On June 30, 1866, the French Ambassador in London suggested that the two Governments should prepare " une rédaction identique " which the British and French representatives in Peking should be instructed to present to the Prince of Kung. On July 26, Lord Stanley advised Sir R. Alcock that the French and British Governments proposed to reconsider the Convention and instructed him to make a communication to this effect to the Chinese Government. The correspondence between London and Paris was protracted. There were minor points of dispute between the British and French Governments acting in the interests of planters and merchants respectively. The chief difficulty, however, lay in the fact that while the French, in deference to British opinion, were willing to omit the provision of a return passage, they insisted on the period of service being extended to eight years. The British, while insisting on the omission of the return passage, were not prepared to demand a contract of more than five years. If the period of indenture were extended, bounties given by the British agents would have to be increased to the same amount as those offered by Cuban and Peruvian speculators. The British planters declared that they could not afford such an increase, since they were not able to extort from the coolies the same amount of labour as that exacted by foreign taskmasters.[1]

[1] Murdoch to Rogers, Mar. 29, 1867.

On May 15, M. de Moustier yielded to the views of the British Government—that the return passage should be omitted and the five years accepted. On October 10, however, after the receipt of a communication from the French Minister in Peking to the effect that the Chinese Government was prepared to insist on the provision for a "return passage," and after consultation with the Ministers of Marine and Commerce with "a view to the interests of the French mercantile marine," he suggested that, if absolutely necessary for agreement with the Chinese Government, the back passage should be allowed provided that

1. The term of engagement be extended to seven years.
2. The emigrant submitted during his whole period of service to a deduction of 5 per cent. off his wages.
3. Those who should elect to remain in the colony should have no claim to any payment in lieu of a back passage.[1]

The British Colonial Secretary was, however, not prepared (Nov. 26, 1867) to allow the back passage even with the French modifications. There seemed no further use in continuing the correspondence. Moreover, "the interests of H.M. colonial subjects are suffering, from delay in arriving at a settlement."[2] Sir R. Alcock was therefore instructed[3] to prepare in concert with his French colleague and "the Representative of any other power who may desire to take part," the draft of a new Convention

"and to press the same on the acceptance of the Chinese Government, taking care not to admit of any provision for giving back passages and intimating to the Chinese Government, if they pertinaciously adhere to it, that not only must the proposed new arrangement fall to the ground, but that H.M. Government will expect that, pending the substitution of another, the arrangement which the Convention of March, 1866, was intended to supersede will be allowed to continue in force."

On December 11, M. de Moustier instructed the French Minister at Peking[4] (M. le Comte de Lallemond) to support

[1] Dispatches from Mr. Fane to Lord Stanley, Nos. 673 and 688 of October 11 and 13, 1867.
[2] Lord Stanley to Lord Lyons, No. 68, Nov. 28, 1867.
[3] Lord Stanley to Sir R. Alcock, No. 213, Dec. 6, 1867.
[4] Lord Lyons to Lord Stanley, No. 226, Dec. 30, 1867. Enclosure.

Sir R. Alcock as far as possible, but in the event of the Chinese Government refusing to give way, he was to allow the modifications suggested October 10—modifications which were subsequently accepted by the British Government, if necessary as a last resort, and forwarded to Sir R. Alcock. The two Governments were thus more or less in agreement. In order to bring still stronger pressure on the Tsungli Yamen, the British Government had invited the different European Governments [1] to instruct their representatives in Peking to co-operate with the British and French Ministers. The Dutch [2] and Prussian [3] representatives and the Governor of Macao [4] were instructed accordingly—the Spanish representative was advised to enter into the negotiations, but not to give his adherence to any Convention until approved by the Spanish Government.[5] The United States Minister was instructed to attend, but the United States Secretary of State replied to the British invitation, January 10, 1868:

> "In respect to the principal modifications proposed by Great Britain and France . . . it is due to frankness to avow that this Government sympathizes with that of China. It is not inclined to exert its influence to withdraw or impair any reasonable security which that Government deems essential in the exercise of its paternal guardianship over the welfare of its unfortunate subjects." [6]

But the Tsungli Yamen, created at the instance and as the puppet of the British and French Governments 1861, had the unexpected and unprecedented courage to defy them in 1868. The official argument of the British and French representatives was weakened by the serious disagreement of the Spanish Minister,[7] who approved the original opinion of the French Government that the term of service should be extended to eight years and a free return passage granted—the latter in the interests of the

[1] Lord Stanley to Sir R. Alcock, Dec. 6, 1867.
[2] Vice-Admiral Harris to Lord Stanley, No. 8, Jan. 16, 1868.
[3] Lord Loftus to Lord Stanley, No. 14, Jan. 16, 1868.
[4] Sir C. Murray to Lord Stanley, No. 26, June 26, 1868.
[5] Sir J. Crampton to Lord Stanley, No. 14, Jan. 16, 1868.
[6] Mr. Ford to Lord Stanley, Enclosure 1 in No. 20, Jan. 20, 1868.
[7] Sir R. Alcock to Lord Stanley, No. 72, April 4, 1868.

Spanish colonies themselves. But on the questions of hours of labour, rates of wages, distribution of emigrants after arrival at their destination, there was no common ground that could be taken. "What might be fair or expedient in one colony or set of circumstances was inadmissible in another." [1] Moreover, none of the three Representatives [2] could give an effectual guarantee that the terms of the contracts would be observed in territories not under their rule—in Peru, Chile and elsewhere. It was further admitted that even in Cuba and the British West Indies, where the coolies were protected by special legislation, the details of the contract could not be guaranteed without an elaborate and costly surveillance which "would render the position of the coolies themselves uncomfortable and that of the masters unendurable," [3] an admission which in itself was the moral justification of the Chinese Ministers in insisting on such terms as seemed to them necessary safeguards for the welfare of Chinese subjects.

It being impossible for the three foreign Ministers to agree on terms of service, the fulfilment of which could be guaranteed, it was decided by them to draw up a new set of regulations in which all reference to the details of the contract and the proposal for a return passage should be omitted.

The draft [4] presented to the Chinese Ministers on April 1 was based on the regulations of 1859 with a few modifications, chiefly of administrative detail, suggested by the practical experience of the Spanish Minister. The importance of the contract as the basis of the emigration labour system was thus ignored. The Tsungli Yamen refused to consider the proposals. They refused no less absolutely to revert to the arrangements which obtained in the Kwantung Province before the Convention of 1866 was signed. Great Britain and France might not have ratified that Convention, but it had received the signature of the Chinese Emperor and was therefore binding on his Ministers.[5] Under these cir-

[1] Sir R. Alcock to Lord Stanley, No. 72, April 4, 1868.
[2] Great Britain, France and Spain were Treaty Powers. [3] *Ibid.*
[4] Sir R. Alcock to Lord Stanley, No. 81. April 15, 1868, Enclosure 2.
[5] *Ibid.*, Enclosure 2 in No. 166, June 15, 1868.

cumstances, a "note identique" [1] was sent to Prince Kung, June 4, 1868, urging the necessity either of declaring the Convention null and void because unratified by the British and French Governments, or of so modifying its terms as to make it acceptable to them. On the following day the British and French interpreters delivered in person to the Ministers of the Yamen a Memorandum [2] on the general question of contract emigration in which "the strongest arguments were employed short of absolute menace." [3] It was argued that "the rules agreed upon in 1866 have only this effect—they prevent all emigration under Government inspection and thereby encourage it where there is no security against fraud and violence." It was pointed out that the practical effect of the rule was to nullify Art. V. of the British, and Art. IX. of the French, Convention of Peking, and that they must therefore be modified so as to serve their original end, "which was to encourage and protect, not to check and destroy." But the Ministers of the Yamen were unmoved. The Prince of Kung stated, on March 13, 1869, to Sir R. Alcock that "the Yamen being by right the protector of Chinese subjects, and having to that end devised the present satisfactory code, cannot recklessly modify it and allow villains again to play their kidnapping tricks." [4] The reply of the Yamen to the British and French interpreters was that it was not an all-powerful body, and could not afford the loss of prestige which would be involved by the sudden cancelling of a formal edict issued at its own request and under some pressure from the foreign Ministers.[5] Sir R. Alcock considered the persistence of the Tsungli Yamen due to their fear that the abrogation of the Convention would place them in a false and dangerous position as regards other bodies of the State. "It is possible that (they) . . . found themselves exposed to both obloquy and reproach by being mixed up in any way with a traffic so nefarious as

[1] *Ibid.*, Enclosure 1 in No. 142, June 8, 1868.
[2] Enclosure 2 in No. 142.
[3] No. 142, June 8, 1868.
[4] No. 17, March 18, 1868. Enclosure 1 (to Earl of Clarendon).
[5] Enclosure 2, No. 166. June 15, 1868.

the coolie trade has hitherto proved to be" (May 25, 1869). And further,

"They feel mortified at the appearance of dictation in a matter which so nearly concerns their own people and calls upon them to rescind a formal act to which the Emperor's assent had been obtained for the avowed reason that two Foreign Powers . . . insisted upon obtaining Chinese coolies under less onerous conditions to the employers." [1]

The Viceroy Juilin, of Kwantung, was of the opinion that "the gentry and literati were strongly opposed to the people leaving the country . . . and as these form the influential, indeed the governing, class of the Empire, the Government is naturally averse to doing an act to which they are opposed." [2] The Macao atrocities also may have had some influence on the decision—particularly as it was well known that the French Houses in Canton were agencies of the Macao barracoons. Short of force there was nothing further to be done. Local pressure was ineffectual. On September 21, 1868, telegraphic instructions were sent by the Secretary of State to Sir R. Alcock to inform the Chinese authorities that contract emigration would be continued under the old regulations, and to advise the British emigration agents in China to carry on their duties. Similar instructions had been sent, July 17, 1868, by the French Government to their Minister, who had already "bullied" both the Yamen and the Viceroy of Kwantung in an endeavour to induce them to revert to the old state of things. On receipt of the British Government's instructions, forwarded to him by Sir R. Alcock, Mr. Consul Robertson (Canton) interviewed the Viceroy Juilin. The Viceroy replied that under other circumstances he would not hesitate to incur responsibility, but his instructions were so positive not to permit emigration except under the terms of the Convention that he dare not sanction any departure from it. He maintained that the questioned validity of the Convention was neither for his nor Mr. Robertson's decision. His orders were positive and must

[1] No. 292. Nov. 21, 1868.
[2] Consul Robertson to Mr. Hammond. Nov. 29, 1868.

be obeyed. Mr. Robertson then hinted that the Emigration House might be opened and the system carried on under the old rules without the interference either of the Viceroy or himself. The Viceroy's reply was that he would not allow such a course. His decision was final.[1] Contract emigration must be conducted under the Convention or by clandestine means. But if by the latter course it would "subject us very justly to reproach from the Imperial (Chinese) Government"—and might have serious consequences to foreign interests in China. Under these circumstances the British Government agreed with Sir R. Alcock that for the time it was useless to continue discussion on the subject. They continued to regard the Chinese Government as bound to admit the right of voluntary emigration.[2] "The Treaty Right of England remains unimpaired, and may be at any time hereinafter invoked." Sir R. Alcock, firm in his opinion that the moral argument was with the Chinese Ministers, communicated to them the decision of the British Government, while expressing his regret "that this should be the only business left in suspense after having so happily concluded all the negotiations connected with the much more serious questions involved in the revision of the Treaty."[3]

In 1860 and 1861, when negotiating with the French Government the Convention which allowed the renewal of Indian contract emigration to French colonies, British Ministers had insisted on the conditions of a five years' contract and a return passage, which in 1866 when demanded by the Tsungli Yamen were declared "unacceptable and inadmissible." It is instructive to remember that the Yamen, in refusing either to modify or abrogate the Emigration Convention of 1866, was but resisting foreign efforts to impose upon it against its will harsher terms than the British Government had been willing to allow for British subjects.

The effect of the Convention was temporarily to suspend

[1] Consul Robertson to Mr. Hammond. Nov. 28, 1868. Enclosure 2.
[2] By Art. V. Convention of Peking.
[3] Sir R. Alcock to Earl of Clarendon. Oct. 29, 1869.

contract emigration from Chinese ports. A Spanish agent, however, soon recommenced to recruit coolies for Cuba under a local agreement that stipulated for a contract period of five years, at the termination of which the coolie could claim $50 towards a back passage. In 1872 the British Minister in China was instructed to secure a similar agreement for coolie emigration to the British West Indies, and on February 14, 1873, the British Emigration Agency was reopened, a first shipment of 314 emigrants being effected December, 1873. But this renewed activity was regarded with disfavour by the Tsungli Yamen and the British Foreign Office, especially when the efforts made by interested parties to evade the terms of the Convention resulted in a series of horrors that succeeded in arousing a public opinion in China and Great Britain to demand the final cessation of the whole business.

To understand the growth of this public opinion it is necessary to follow the activities of the parties who attempted to evade the terms of the Convention by directing their business from Hong-Kong and Macao—the two foreign settlements.

Though the greater number of coolies who emigrated from Hong-Kong did so under the credit-ticket system, some 18,000 had left the port 1856–67 under foreign contracts.[1] Moreover, its contract emigration had recently received a new impetus. Recruitment for service in Dutch Surinam was active. The temporary prohibition, November 23, 1868, of contract emigration from Macao to Peru as a result of reported cruelties to Chinese coolies on a Peruvian plantation, had driven the Peruvian agents to Hong-Kong. No

[1] Hong-Kong was the head-quarters of the West India emigration from 1859 until 1862, when they were moved to Canton.

To Havana, 1856–8	4,991
„ British West Indies, 1859–62	6,630
„ Bombay, 1864	2,370
„ Tahiti, 1864	1,035
„ Dutch Guiana, 1856–67	1,609
„ Honolulu, 1865	780
„ Borneo, 1865	62
„ Labuan, 1866	164
„ Sarawang, 1866	436
Total	18,071

power was vested in the Government to prohibit their activity. Moreover, large plans were being developed for a Chinese contract emigration to the Southern States of the United States—the planters having determined to free themselves from dependence on the labour of the emancipated negroes. The purpose of the U.S. Act of Congress, 1862—the prohibition of immigration under contract—was evaded by a loose interpretation of terms. Messrs. Koopmanschap & Co., Dutch merchants at San Francisco, were appointed agents, and the first Chinese emigrant ship, *Ville de St. Lo*, for New Orleans cleared from Hong-Kong, February 7, 1870, with 200 coolies destined for work in the Arkansas Valley.[1] It seemed probable that the Chinese insistence on the Emigration Convention would lead to a rapid expansion of contract emigration from Hong-Kong. But the island was unsuited to a well-regulated system. Emigrants for shipment had to be introduced from the mainland. Mr. Austin and Mr. Sampson had both declared that no vigilance that could be exercised over the activity of brokers on the mainland would prevent abuses. The Harbour Master admitted that "a few isolated cases of improperly procured coolies may come to Hong-Kong." [2] Had the Chinese Passengers Act and local Ordinances been effectively administered, there might have been some guarantee that no coolies would be shipped against their will. But one cannot assume that such was the case. On occasion the administration had been grossly negligent.[3]

[1] F.O. Confidential Papers, Mr. E. Thornton's Dispatch, No. 393, November 1, 1869.

This decision was also in defiance of Resolution of Congress, Jan. 16, 1867: "Whereas the traffic in labourers transported from China and other eastern countries, known as the coolie trade, is odious to the people of the U.S. as inhuman and immoral, and whereas it is abhorrent to the spirit of modern international law and policy which have substantially extirpated the African slave trade to permit the establishment in its place of a mode of enslaving men differing from the former in little else than the employment of fraud instead of force to make its victims captive, be it therefore resolved that it is the duty of this Government to give effect to the moral sentiment of the nation through all its agencies for the purpose of preventing the further introduction of coolies into this hemisphere or adjacent islands."

[2] F.O. Enclosure 5, Mr. Elliot to Mr. Hammond, Oct. 7, 1868.

[3] Mr. Murdoch to Mr. Rogers, July 29, 1869. See also Duke of Buckingham to Governor MacDonnell, May 18, 1868.

In order to prevent abuses, Ord. 12, of 1868, was passed under instructions from the Colonial Office. It declared "the detaining or carrying away by force or fraud any Chinese for the purpose of the coolie trade" to be a felony. That no offence had occurred under this section of the Ordinance by January 22, 1873 [1] is a matter for regret. In justice to the Hong-Kong officials it should be recognized, however, that the brief examination of some hundreds of coolies on an emigrant vessel immediately prior to its departure did not allow of the efficient administration of any Act or Ordinance which required that no coolies should be shipped against their will. The brokers were quite prepared for such an unsatisfactory examination. Under these circumstances Mr. Consul Robertson declared that Hong-Kong bid fair to rival Macao. Moreover, for some time the *China Mail* had kept up a continued criticism of Hong-Kong emigration abuses. The Colonial Office, therefore, instructed the Governor of Hong-Kong to prevent any Chinese passenger ship from proceeding to sea without a licence from the Governor. Ord. 4, 1870, was accordingly passed. But a certain section of British public opinion was not satisfied that this discriminatory power vested in the Governor was sufficient to save the good name of the colony, and on December 17, 1869, a joint memorial from the Anti-Slavery Society, the Aborigines Protection Society, and the Social Science Association was forwarded to Earl Granville, setting out the abuses of contract labour in Surinam, Peru, and Cuba. Instructions were sent to the Governor, May 30, 1870, that the licence to put to sea with contract emigrants was to be granted only if the destination of such emigrants were some place within the British Empire. Further restrictions on Hong-Kong's profits from the coolie traffic followed special prominence given to the Macao emigration.

On August 21, 1851, Mr. White had written of the Portuguese colony of Macao: "The place is in decay, and property is of comparatively little value." [2] But after the Amoy

[1] C. 829 (1873), No. 7.
[2] P.P. 986, 1852-3. Dispatches from Secretary of State, Enclosure in No. 1.

disturbances, 1852, it became one of the largest coolie ports. The traffic led to a rapid commercial development. In 1866, the year of the Convention, there was a large influx of coolie speculators. Mr. Mayers, Interpreter to the British Consulate, Canton, estimated that whereas in 1865 there were only eight to ten barracoons in Macao, there were thirty-five to forty in 1866; in the former year the quotation for coolies stood at \$30–\$40 a head—it rose to \$60–\$80 in the latter.[1]

Prior to 1866 some of the Macao coolies were recruited through the Franco-Spanish agencies in Canton and Swatow, but after that date emigrants were apparently obtained clandestinely with or without the cognizance of the minor Chinese officials. Some were secured by the kidnapping of Annamites—the pirate trade during this period being very lucrative, as goods and crew of a captured junk all yielded high profits.[2] The evidence given before the Chinese Commission to Cuba made it clear that few coolies left Macao as voluntary emigrants. "I was deceived," "I was decoyed," were general complaints. In 1860, the Governor of Macao had declared his intention of ridding the Macao traffic of its abuses, but as Mr. Consul Robertson wrote:

> "I am inclined to think that the Governor . . . like all others in high position, is the last to hear or know of the malpractices."[3] . . . "The coolie traffic has been and is the staple of the trade at Macao, and there are too many and too powerful interests concerned to allow of much hope for its amelioration.[4]

In 1886 the Prince of Kung, in urging Sir R. Alcock to request the British mercantile community to refrain from engaging in contract emigration from that port, distinctly specified Macao as the seat of evil.[5] British officials in the East viewed the Macao traffic with grave concern. Sir R. Alcock suggested that it be treated as piracy.[6] Mr. Consul Robertson wrote, 1867:

[1] Enclosure 1, Mr. Mayers' Report, Nov. 12, 1866.
[2] Depositions of Annamites rescued from Macao and taken to Hong-Kong, July 24, 1867.
[3] Consul Robertson to Sir R. Alcock, April 14, 1866.
[4] Consul Robertson to Mr. Hammond, June 9, 1866.
[5] Prince Kung to Alcock, May 15, 1866. [6] Dispatch 49, 1866.

"It may be a matter of indifference to Portugal, with no material interests of commerce at stake, that under the protection of its flag such an odious and disgraceful traffic should be carried on. But countries like Great Britain and the United States, with a vast commerce, are bound, in self-defence, if not from higher motives, to take effective steps to prevent the continuance of a traffic so fraught with danger to their interests."

The British Government took diplomatic action. On January 5, 1867, relevant communications from British officials in the East were forwarded to Lisbon. Senhor Corvo in reply stated that the abuses occurred in Chinese territory, and were therefore beyond the control of the Macao authorities. Subsequently the depositions of Annamites rescued from Macao were forwarded to the Portuguese Government, with the result that the Governor of Macao was instructed to enforce the regulations with the greatest vigour. In April, 1868, the Superintendent of Chinese Emigration, Macao, presented a very able report on contract emigration from that colony.[1] He admitted the abuses of fraud and force in recruitment. He was of the opinion that the evils could not be overcome while Chinese crimps were employed to recruit the coolies. Nevertheless, he believed it was possible to neutralize their evil influence by establishing a Government agency in which the coolies could be housed for some days prior to the signing of the contract. By this means the power of the crimps would be lessened and confidence in the Government inspectors encouraged. He insisted, as the Tsungli Yamen had insisted, on the importance of the contract terms. In his opinion a back passage should be given to the coolies at the end of their period of service if they so desired.[2] The Governor of Macao, in September, 1868, therefore instituted a Board of Superintendence of Chinese emigration. A new code of

[1] Enclosure in Consul Robertson's Despatch, April 29, 1868.

[2] "In view of the fact that the principal object of this emigration is not so much colonization as the supply of labour, it appears to be just and equitable that the emigrants, after having completed the term of their contract and having laboured remote from their country and their relatives during eight long years, should have a free passage for their return to their homes, if they wish it, to be paid by those who profit by their toil during so many years."—Enclosure in Consul Robertson's Despatch, April 29, 1868.

regulations was adopted, and a Government emigration Depot, in which coolies were housed for some days prior to the signing of the contract, was established. These regulations were already in operation when the nature of the contract emigration from Macao was forced on the public attention by a tragedy at sea.[1] On October 1, 1870, a French ship, *La Nouvelle Penelope,* left Macao with 300 coolie emigrants for Callao. Within a few days the coolies rioted, murdered the captain and several of the crew and took control of the ship. When one of the coolies responsible for the outrage was captured in Hong-Kong, his extradition was suspended by Mr. Justice Smale,[2] subject to the decision of the Privy Council. His Honour impugned the extradition on the ground that the captain of the vessel was engaged in a slave trade, having the ship's hatchways fitted with iron gratings and part of the crew armed. The Governor of Macao replied to the attack made by the British Judge on contract emigration from Macao by forwarding to Lisbon full explanations of the manner in which the traffic was controlled. On August 29, 1871, the Department of Marine and Colonies, Lisbon, drafted a Memorandum on the subject for the British Government. In it they argued that contract emigration from Macao was better regulated than the contract emigration from Hong-Kong. They declared further that the large credit-ticket emigration from the British settlement was in no important particular to be distinguished from the Macao contract system. The coolies were not " free " emigrants. The armed precautions taken on Chinese emigrant ships clearing from Macao were of the same nature as those taken on the short voyage between Hong-Kong and Canton. And finally the Memorandum pointed out that Hong-Kong merchants profited largely from the Macao emigration in which they were immediately concerned.

[1] C. 504 (1872), *passim*, and C. 403 (1871).

[2] Mr. Justice Smale had been bitterly hostile to contract emigration since 1863, when he had taken the depositions of some rescued coolies. One of the victims had been a capable schoolmaster, but as a result of the terror induced by the coolie crimps he had become a confirmed idiot. In 1867 the Judge had denied the possibility of regulating the traffic.

The allegations were serious, and Governor Macdonnell was requested by the Colonial Office to report on the matter.[1] In reply [2] he declared that the Chinese passengers on the American ships clearing from Hong-Kong were as free and unrestricted as any Europeans or Americans. If there were such emigration agents as the Portuguese maintained, "they are not known." He declared that "such emigration conferred the greatest benefit on emigrants, whether male or female, by improving their position beyond what would have been at all probable or possible had they remained in China." He admitted that during the war in China and for a limited period afterwards armed men watched at the gangways and companions of river steamers, but in 1872 this precaution was taken only "under peculiar circumstances." No reference was made to the allegation that residents in Hong-Kong habitually profited by the Macao trade. The Governor's defence reads as a weak confession, though it was accepted by the Colonial Office, March 18, 1872. But the matter did not end there. The attention of the Colonial Office had been directed to the alleged making, by residents of Hong-Kong, of the iron gratings, barricades, etc., employed in the coolie service.[3] By Section XXVII. Hong-Kong Ord. 1, 1867, the fittings of any vessel for conveyance of emigrants, whether to be shipped at Hong-Kong or any other port, were made subject to the approval of the Harbour-master, who was empowered to go on board at all reasonable

[1] C. 504, 1872, Enc. 1 in No. 10. [2] *Ibid.*

[3] The nature of the precautions taken on the emigrant vessels for the control of the emigrants attracted particular attention after the lurid tragedy of the *Don Juan*. The vessel left Macao May 4, 1871, with 650 emigrants. On the 6th it took fire. After making some attempt to check the flames, the captain and crew abandoned ship. With the exception of a few coolies on deck, most of whom were in chains, the others were imprisoned below, the iron gratings that covered the three hatches being all locked. After half an hour the fore-hatch was burst open by the tortured prisoners. Hundreds had already perished, overcome with smoke or flames. Many more were trampled to death in the wild stampede for freedom. Of the 650 emigrants some 50 were saved (C. 504, 1872, Enc. 1 in No. 1).

The *Don Juan* was only one of a long series of tragedies at sea, a list of which, forwarded by Sir B. Robertson, 1874, involved fifteen British ships (mainly in 1852–3), two American, three Peruvian, six French, one Dutch, five Italian, one Belgian, one Salvador. "A fearful record it is . . . indeed, I venture to say it could not be matched in the palmiest days of the African slave trade."—(C. 1212 (1875), Enc. 3 in No. 6).

times to inspect such vessels. Sir A. Kennedy, on assuming the office of Governor of Hong-Kong, reported that the machinery for such administration was very imperfect. It was a usual practice for the iron gratings, etc., to be made in port and fitted at sea. "Your Dispatch strongly confirms the opinion as to the necessity of fresh legislation,"[1] the Colonial Secretary wrote December 17, 1872. As a result, Governor Kennedy introduced three Ordinances into the Hong-Kong Assembly to deal more effectively with the alleged abuses. Ord. 3, of 1873, gave the Harbour-master extensive powers of regulation, and iron fittings for passenger ships were expressly forbidden. Ord. 5, of 1873, required every ship fitting and provisioning in Hong-Kong for the emigrant service to first obtain a licence from the Governor. It was made an offence for any person to assist in provisioning any unlicensed ship preparing for such emigrant service. Ord. 6, of 1873, provided better protection for Chinese women and female children, the sale of whom for the Californian market was a notorious fact. It expressly forbade the decoying of persons from China to Hong-Kong for the purpose of shipment from some outside port (as e.g., Macao).

The three Ordinances were directed actually though not nominally against the Macao trade. As soon as the Queen's confirmation of Ord. 5, 1873, was received in Hong-Kong (August 23, 1873) the seven[2] emigrant ships fitting in Hong-Kong for the Macao emigration were ordered to leave the harbour. They made their way to the Whampoa anchorage. But by the activity of Sir B. Robertson, British Consul, Canton, orders were immediately issued by Viceroy Juilin that all vessels destined for the carriage of coolies and belonging to non-Treaty Powers were to leave the anchorage. In future only emigrant vessels belonging to Treaty Powers would be permitted to use it, and they only by licence (Sept. 6, 1873). A general Proclamation on the subject was issued October 17, 1873.[3]

The effect on the Macao coolie trade of the closing of

[1] C. 829, 1873, No. 5.
[2] One Italian, one Belgian, four Peruvian, and one Portuguese.
[3] C. 908 (1874), Enc. 2 in No. 11.

Hong-Kong and Whampoa to Macao emigrant ships would in itself have been serious. But the Portuguese Government had decided to close Macao altogether to the traffic, and on December 29 the Governor's Proclamation (89) was issued prohibiting all coolie shipments after a period of three months. At the end of March, 1874, contract emigration from Macao ceased. The abuses of the Macao system are too obvious for comment. Recruitment by the agency of Chinese crimps gave occasion to a cruelty that beggars description. But there is no reason to suppose that the Governors of Macao were not sincere in their attempts to mitigate the evils, and especially should respect be given to the able and honest administration of Admiral de Souza. There was no doubt some truth in Senhor Corvo's remark that Portugal had been "more than once unjustly treated by artificially excited opinions not always animated by sincerity and disinterestedness." [1]

The Macao traffic having been terminated, contract emigration could only take place at the Treaty ports under the terms of the Convention, 1866, or at Hong-Kong if the destination of the emigrants was a British colony. Until the end of the century, however, the Treaty ports were effectively closed to the system by the Chinese Government which, after the presentation of the report on the Cuban abuses, demanded guarantees [2] for the welfare of its subjects

[1] C. 1212 (1874–5), Enc. 1 in No. 7.
Senhor Corvo declared the real interests of Macao had been sacrificed to an illusory prosperity which, while destroying the energy of the population, discredited the Portuguese name. At the same time relations with China were becoming less and less cordial, and might come to open hostility were the traffic not abandoned. The general commerce of Macao had become almost stationary, while the coolie traffic had absorbed its whole activity, destroying its natural sources of wealth.

General commerce, 1864, 10,552 contos of reis.
" " 1865, 10,954 " " "
" " 1871, 10,889 " " "

Average total annual commerce:
1864–6, 10,882 contos of reis.,
1870–2, 8,915 " " "

The emigration business was concentrated in a few hands, and nearly all the gains went into foreign pockets. Governor of Macao (Enc. 2 in No. 7): "A great reform dictated by morality, by the exigencies of our international relations, and by the dignity of the nation will have been effected."

[2] In thanking the Anti-Slavery Society for their continued interest in the welfare of his countrymen under contracts of service abroad, the

that the prospective employers or their Governments were unwilling to provide. For a further supply of Chinese coolies the planters of the British West India colonies were thus forced to rely on the operation of the contract system at Hong-Kong. But the opposition of the Foreign Office to a continuation of Chinese contract emigration and the pressure of public opinion aroused by the Anti-Slavery Society in Great Britain were effective, and the British West India Emigration Agency, the activities of which had been suspended since 1874, was finally closed down.

The majority of the Chinese coolies shipped to the West Indies under British contracts, 1852-74, were destined for British Guiana. That they proved valuable labourers in the latter colony is evidenced by the Report of the Commission of Inquiry, 1871. Their worth was tested in both field and factory labour. The success of the vacuum-pan method of refining was generally attributed to their neat skill. They were more intelligent than either Indian or negro, and more independent. They were an order-loving people, though formidable in disturbance if convinced of injustice. They preferred, when possible, to work independently, but in British Guiana the opportunity of so doing was very limited on account of the almost complete Portuguese monopoly of the small retail trade. From such an appreciation of their work it might naturally be expected that the 14,002 Chinese introduced into the colony 1853-79,[1] together with the additional 1,718 who entered it 1880-1913, would make a distinct impression on its history. Why they have not done so is explained by Mr. Cecil Clementi

Marquis Tseng assured them, July, 1886, that the Chinese Government was now thoroughly alive to the abuses of the system, and was no longer prepared to allow its subjects to proceed to foreign countries under conditions which would deprive them of their liberty of action on arrival. (See "Anti-Slavery Reporter," August and September, 1886.)

[1] Contract emigration was suspended in 1874, but in 1879 was made an experiment to introduce Chinese without contract, one-third of the expense being borne by the State and two-thirds by the planters. On December 25, 1878, the *Dartmouth* left Hong-Kong with 437 men, 47 women, and 32 children. Of the 514 allotted to various estates in British Guiana on March 21, 1879, on July 1, 1880, there were left on the estates 252 (49 per cent.). The results of the experiment were not sufficiently remunerative to the planters, and it was not repeated. See Mr. Cecil Clementi's *The Chinese in British Guiana*, p. 272.

in his valuable book *The Chinese in British Guiana*.

The statistics given by Mr. Clementi show that there landed in British Guiana, 1853–79, 14,002 Chinese immigrants, and 1880–1913, 1718. The Chinese community in the colony numbered:

In 1881, 5,234, of whom 3,905 were males and 1,329 females.
,, 1891, 3,714 ,, ,, 2,583 ,, ,, 1,131 ,,
,, 1911, 2,622 ,, ,, 1,481 ,, ,, 1,141 ,,

Out of a total number of 15,720 Chinese immigrants, of whom 13,485 were males and 2,235 females, there remained in the colony in 1911, 2,622, of whom 1,481 were males and 1,141 females. The rapid decrease was due not to any unusual mortality nor to a large excess of the death-rate over the birth-rate, but to a subsequent emigration of the immigrants. "What has been taking place during these years," explains Mr. Clementi, "is a natural readjustment of the male population to a number approximately equal to that of the female population."[1] Many of the Chinese immigrants who remained in the colony achieved wealth and honour, and reared worthy children as their successors. But the experiment of introducing Chinese labour, though generally successful as a temporary economic expedient, failed to have a permanent social value, for the reason that "it was neither initiated nor pursued in the interests of colonization."

[1] *The Chinese in British Guiana*, see discussion, pp. 324–6.

CHAPTER IV

THE TRANSVAAL EXPERIMENT

ALTHOUGH the British Government had not ratified the Emigration Convention, 1866, it still held that British Treaty rights under the Convention of Peking (Art. V.) remained unimpaired, and "may be at any time hereinafter invoked." An occasion for so invoking them did not arise until the Rand "crisis," 1903–4.

Chinese coolies were introduced on to the Rand to meet a deficiency in the labour force after the Boer War. The extent of and the reasons for such a deficiency were made known in the evidence given before the Labour Commission, appointed July 21, 1903, by the Transvaal Government.[1] It was estimated that in September, 1903, there were only 59,078 [2] natives employed on the gold mines of the Witwatersrand, whereas in 1899 there were some 97,000–107,827 [3] (representing 91,484 effective labourers). The wants of the natives in the kraals were limited and easily satisfied. Moreover, native economy was based on a tribal land system, so that the annual supply of their labour fluctuated according to the harvest yield, although, before the war, the supply had been steadily increasing, if not always so rapidly as the demand. In addition to the lag in supply, it was a general practice among the natives to return to their kraals after a few months' labour. As a result the different mines had been driven to competitive recruiting with rising costs. Moreover, the mine managers found themselves under the necessity of continually training new boys. Such a labour supply, inadequate, irregular, and

[1] Cd. 1897.
[2] *Ibid.*, Evidence, Chamber of Mines, p. 402.
[3] Cd. 1896, p. 15.

temporary, was a weak instrument for the rapid expansion of the Rand.

During the war a deliberate attempt had been made by the Chamber of Mines to solve the difficulty by the organization, September, 1900, of the Witwatersrand Native Labour Association.[1] Its object was to enable the mines to recruit their own native labour through a central organization or labour bureau. Competitive recruiting was abandoned.[2] It was expected that centralized recruiting would make possible a decrease in the wages offered to the natives, so a wage-cut was agreed upon at 30 per cent. to 50 per cent. of the pre-war figure.[3] It was also anticipated that such a decrease in wages would force the native to spend more time on the mines and less in the kraal.[4] As a further measure to regularize supply it was agreed that natives should be recruited on a six months' contract.

But the statistics of 1903 proved the new policy unsuccessful. The Association had taken into consideration neither the effects of the war nor the character of the native. During the war it had been difficult for the latter to secure cattle, the customary form of capital investment. The result was that they were able to live for a long period on the high wages paid by the army. The necessity for work was thus, for many of the natives, temporarily removed. Moreover, the Government, with its policy of rapid reconstruction and rehabitation, entered as a competitor in the labour market. Agriculture and city work also offered good recompense. The reduction in wages on the mines not only induced the natives to remain in their kraals or to enter other occupations, but sowed the seeds of a suspicion, the harvest of which was not yet gathered. " In my opinion it is beyond question that the abortive attempt to reduce wages is responsible for the deficient supply of labour," [5]

[1] Evidence Mr. Perry, Chairman W.N.L.A., Cd. 1897, p. 31, Q. 746.

[2] *Ibid.*, Q. 843.

[3] The Boer Government, at the opening of the war, had actually lowered wages of natives by proclamation more than this—hence the action of the W.N.L.A. had the appearance of a rise in wages.

[4] Sir Percy Fitzpatrick : " My own experience of the ordinary native labourers is, the quicker they can earn the means the quicker they go." Cd. 1897, Q. 2653.

[5] Mr. Grant, Cd. 1897, p. 334. See also p. 332. Mr. Grant was a

stated Mr. Grant in 1903. The introduction of a piece-work system at the end of 1902, and the return to the pre-war schedule, January, 1903, took a long time to counteract the influence of the earlier policy. Moreover, the system of centralized recruiting by the Association and the institution of a six months' contract added to the distrust. Boys coming into the country independently of the W.N.L.A. were to apply for work not to a particular mine but to the Association.

"They will then be sent to the mine to which they wish to go, provided that this mine has not its average number. . . . Otherwise they will be distributed to such mines as have not their full average. . . . Should the boys not wish to go to such mines, they are at liberty to return home or to seek work in other districts, but they will obtain no employment on the Witwatersrand mines."

Mr. Grant stated : "I am aware of very many cases where natives have been diverted from the mines to which they wished to be sent and allotted to mines to which they did not wish to go." [2] Some modifications had been made in this rigid policy during 1903 [3]—recruiters being authorized to contract natives for any particular mine if the natives expressed a wish to go there, and employers being permitted to engage natives applying voluntarily at their mine providing the Association was notified. Considering the dislike expressed by the natives for some of the mines, their distrust of any measure that implied coercion, their natural desire to be with their friends, the attempt to distribute supply by averages had been contrary to common sense. Moreover, the six months' contract was distrusted by the natives. Mr. Perry, Chairman of the W.N.L.A., admitted to the Commission that the six months' contract had an adverse effect on recruitment.[4] Mr. Grant declared that "any attempt to enforce the conditions of contract by law can but produce irritation and provide a permanent supply of inmates for our gaols." [5] Even before the war mine-work

gentleman "whose knowledge of African natives, extending over fifty years, is second to none." (Minority Report, Cd. 1896, § 13.)

[1] No. 8212, p. 340. [2] Mr. Grant, No. 8204, p. 339.
[3] Mr. Perry, p. 33. [4] Mr. Perry, No. 795, p. 41.
[5] Mr. Grant, p. 333.

had been growing in disrepute.[1] Few attempts had been made before 1903 to make it less arduous and more attractive. Statistics of accidents and deaths were heavy. Food was insufficient and unvaried. Housing conditions were bad. Attempts made towards the end of 1903 to improve mining conditions naturally took time to affect supply. Under the circumstances—the nature of mine work, the effects of the war, the policy of the Chamber of Mines' W.N.L.A.—Mr. Grant maintained before the Commission that no proof had been given that the number of men required would not be forthcoming "provided the conditions of service are satisfactory not to the employer only but also to the employee." [2] General Botha was of the opinion that the shortage was the result of abnormal circumstances and would improve as the latter diminished.[3] "There will be a steady though slow improvement," Lord Milner had stated to a deputation in June.[4] The monthly average of recruitment during the past half-year by the W.N.L.A. had been 7,000,[5] making a net increase of some 3,000 a month in the number of natives working on the mines. In conclusion, it seems evident that the figures of 1899 could have been reached in a few months even if recruiting were confined to the pre-war sources of supply. Moreover, the efficiency of native labour was very much higher in 1903 than in 1899, mainly owing to the liquor prohibition.

Nevertheless it is true that this steady increase depended on a relaxing of control. The highly centralized cheap-labour policy of 1900 had been considerably modified during 1903.[6]

"The unpalatable truth has been demonstrated that the native is after all master of the position; instead of black being dependent on white, white is dependent on black, the coveted

[1] Mr. Grant p. 334. Also see Memorandum by General Manager, East Rand Proprietary Mines, p. 426.

[2] P. 334. [3] Q. 11220–11222. See also Q. 8207.

[4] Cd. 1895, Enclosure in No. 17. [5] Cd. 1897, Q. 873, p. 43.

[6] *Ibid.*, p. 43. Mr. Perry: "60*s*. per month is standing wage for all boys with the exception of raw boys coming from the East Coast. The latter do not necessarily receive minimum wage of 60*s*. per month, but they do receive 45*s*. when they first come up; later on, as they get to the work, they rise to the 60*s*. per month. Boys from Northern Transvaal, able-bodied boys, receive 60*s*. at the start."

position being thus entirely reversed."[1] "He (the native) is master of the situation, and is able to dictate terms to the industry and . . . if the industry is to go on his terms must be accepted until the conditions change or an extraneous source of supply shall be available."[2]

But if the shortage of native labour had been due to other causes than "ignorance or design,"[3] the evidence seems to show that it could have been compensated for by the introduction of unskilled white labour on the mines under favourable conditions. The Chamber of Mines opposed such a policy. The cost was argued. In their judgment attempts made on five mines to employ such labour proved that if white unskilled labour were generally adopted, out of seventy-nine companies formerly working at a profit, forty-eight would be working at a loss and the profits of the remaining thirty-one would be very materially reduced.[4] White men could not be employed as additional to natives, because they would not work together. In a short time the white men became demoralized or left the mines.

The conclusions arrived at by the Chamber of Mines were declared by Mr. Creswell to be without basis in facts. His experience was his argument. Three of the Rand experts had drawn up a report,[5] November, 1902, on his experiment with white labour on the Village Main Reef mines. They considered the entire substitution of native labour by unskilled whites impracticable, but were of the opinion that in certain departments underground and on the surface white labour could profitably be employed. "If unskilled white labour is adopted to the extent outlined in the foregoing, mines should be in as good a position as regards profits as in 1899." It was admitted by Mr. Sydney Jennings that the results of Mr. Creswell's scheme had been not a loss on costs but a decrease on profits. "I call it loss

[1] Mr. Grant, Cd. 1897, p. 8174.
[2] Memorandum by General Manager of East Rand Proprietary Mines, Cd. 1897, p. 426.
[3] Mr. Grant, Cd. 1897, No. 8174.
[4] Statement of Chamber of Mines, Cd. 1897, p. 403.
[5] It is a matter for comment that this Report, drawn up by three experts and unique of its kind, was not laid before the Commission by the Chamber of Mines although in its possession, but was extracted in cross-examination. Cd. 1897, p. 574.

when you are paying for work more than what you could have got it at before."[1] Given a will to success, Mr. Creswell believed that, with the present native supply eked out with white labour, work could be done in 1903 as cheaply as in 1899 and eventually much cheaper. When asked to explain the apparent discrepancy between the results on the Village Main Reef and on the other mines which had employed unskilled white labour, he gave it as his opinion[2] that wherever white labour had proved unsuccessful the conditions had been entirely unfavourable—no less in a failure to reorganize management to meet the requirements of and to offer incentives to the unskilled whites than in the deliberate opposition of the financial authorities in Europe to the employment of such labour.

"The financial authorities at home viewed it at the outset with disfavour, being afraid that the employment of a large number of white men as labourers would make the labour element too strong a factor in economic questions, and when representative government was given, in political questions."[3]

A signed statement was submitted to the Commission from a number of the mining engineers, denying that they had received communications from London to the effect that the financial authorities there viewed the employment of unskilled labour with disfavour on political grounds. They did not refer to the economic argument.[4] Mr. Creswell supported his contentions by a letter from the Chairman of the Board of the Village Main Reef Company[5]: "The feeling seems to be one of fear that if a large number of white men are employed on the Rand in the position of labourers the same troubles will arise as are now prevalent in the Australian colonies." Mr. Wybergh, Commissioner of Mines, was also of Mr. Creswell's opinion. He stated that Mr. Herman Jennings, one of the leaders of the mining industry, had made no secret of his dislike of unskilled white labour. He was afraid of strikes.[6]

"Could Mr. Kidd replace the 200,000 native workers by 100,000 unskilled whites, they would simply hold the govern-

[1] Cd. 1897, No. 13875, p. 610.
[2] Cd. 1897, N. 103131, p. 581.
[3] Cd. 1897, No. 13131.
[4] Cd. 1897, No. 13836, p. 608.
[5] Cd. 1897, No. 13468, p. 593.
[6] No. 13956.

ment of the country in the hollow of their hand. I prefer to see the more intellectual section of the community at the helm. . . . The native is at present, and I hope will long remain, a useful intermediary between the white employer and employee,"

stated Mr. Rudd in a Memorandum.[1] The evidence seems to support Mr. Creswell's contention that the experiments in the employment of unskilled white labour which had proved unsuccessful had been carried on under unfavourable conditions.

If the immediate policy of the mining industry after the Boer War had been to retrieve the favourable position of 1899 before entering on a development programme, there would have been no "serious crisis" on the Rand in 1903. The only condition of a steady improvement in the labour supply was the adoption of a more liberal attitude towards the natives or the introduction of unskilled white labour on to the mines. The measure of the crisis in 1903 would then have been the degree of loss in absolute power by the management over the labour force. But it is evident that large hopes of a quick development had been raised by the declaration of war. A forward policy had been at once adopted. Sir Percy Fitzpatrick, the representative of a powerful group of financiers, stated before the Commission in 1903 that it was not sufficient to show that enough labour could be obtained to do the work done in 1899. "The position of the industry in the past is not our ultimate goal . . . it is not sufficient to show that we may get enough labour to do the work which we did in 1899."[2] According to Mr. C. Hanau, "they had spent since the declaration of peace millions of money, 299 fresh companies had been floated and millions of money had been found to develop the mineral resources of the country."[3] Mr. Hellman stated that "the high interests involved, the enormous outlay already incurred in development and in magnificent equipment, demand that the money so invested be made productive without further delay."[4] Development must

[1] Cd. 1896, p. 65.
[2] Cd. 1897, No. 2748.
[3] Mr. Carl Hanau, Cd. 1896, p. 74.
[4] Mr. Hellman, Cd. 1897, p. 423.

be rapid. Mr. Hellman, General Manager of the East Rand Proprietary Mines, was of the opinion that to double the life of a mine laid out for exhaustion in a given number of years would be to decrease the value of claims and shares approximately 50 per cent. "The adoption of such a policy would be a tremendous blow to the industry and would absolutely destroy the financial position of the country and its credit throughout the world."[1] The labour requirements of the industry were reckoned by the determination to work as much low grade ore as possible. "There is such an enormous quantity of lower grade ore, and there are so many extensions that there will always be a great incentive to make the most of all kinds of labour."[2] Mr. de Jongh, in presenting the statement of the Chamber of Mines, assumed the necessity of working the largest possible bulk of the lowest possible working ore. "We want to work the largest possible bulk of low grade ore."[3] Hence the immediate labour requirements were calculated by reckoning the number of boys necessary to work the stamps on the lowest grade mines (20). Therefore instead of the 91,484 effective natives employed in 1899, the Chamber of Mines estimated that 129,588 were immediately necessary, 1903. The requirement for five years hence was given as 365,637. When Lord Elgin questioned the Chamber of Mines, 1906, why they had then abated their 1903 figure by two-thirds, it was admitted that "the totals arrived at (in 1903) in regard to present and future requirements were based on the expectation of a continuous period of five years of work under the most favourable conditions."

The Chamber of Mines had already incurred heavy financial obligations on the prospect of a large forward policy. It was for these plans of rapid development that the labour supply was insufficient. Mr. Grant admitted that the pre-war sources of native supply were inadequate to meet this five years' programme unless there was "a material change in the native world throughout the conti-

[1] Page 462, Nos. 10162–10163. See also Mr. Hamilton's evidence, 472–4.
[2] Cd. 1897, No. 2813, p. 132. Sir Percy Fitzpatrick.
[3] No 9665, p. 438.

nent."[1] But the existing system of tribal land tenure could not be broken up to meet the industrial demands of the Transvaal. The Mining directors had based their forward policy largely on the prospects of an available labour supply in Central Africa. "I started with and clung to the belief that we had an unlimited supply in Central Africa if we chose to extend our organization and incur the expense."[2] "I several times discussed with him (Mr. Rhodes) the possibility of pushing on this Cape to Cairo railway with the object of opening up the labour supply."[3] But the heavy mortality suffered by the first group of Central Africans introduced on to the Rand and the reluctance shown by the British Government to allow any general extension of the field of recruitment in Africa made it unlikely that there would be any considerable supply from these areas.

The only immediate alternative was the employment of white unskilled labour. But this would entail increased costs, threats of industrial unrest. Moreover, white unskilled labour did not exist in the Transvaal in any considerable quantity.

In short, as Sir P. Fitzpatrick stated, "cheap labour (which for some time to come really means coloured labour) has been the basis of South African calculation. It fixes the limit of development and determines the pace."[4] For a rapid development of the Rand for a large accumulation of profits an unlimited supply of cheap, docile and regular labour was necessary—but it was wanting. That was the Rand crisis of 1903.

But to understand subsequent events it is necessary to appreciate the effects of such a "crisis" on the general development of the Transvaal. The Boer War was to have been followed by the transformation of a poor Dutch State into a prosperous British colony—such was the Imperial policy which it was Lord Milner's task to carry into effect. An efficient but expensive government had been set up immediately after the war. The Boers had been repatriated

[1] Cd. 1897, No. 8644, p. 358. [2] Sir P. Fitzpatrick, No. 2671, p. 124.
[3] Sir P. Fitzpatrick, No. 2668, p. 124. [4] Cd. 1897, p. 120.

and their farms reconstructed. Schemes for new roads, railways, irrigation, harbour works had already been considered. "I am weary of reiterating that this country wants almost everything in the way of material equipment that a civilized country ought to have," Lord Milner declared.[1] Agricultural development was to lead to the settlement of an increasing number of British colonists on the soil of the Transvaal. A strong rural community was necessary, "to bring the body into proportion with its head." A strong British community was necessary to bind the Transvaal close within the Empire. But these large projects waited on an expanding revenue from the Rand. "The faster we get (the gold) out the greater is the overspill . . . and it is that overspill which benefits the local community and fills the coffers of the state." If the shortage of labour were accepted as inevitable the official programme for South Africa would have to be recast. Lord Milner naturally supported the Imperial policy. He agreed that native labour was insufficient for the proposed development and that a "white proletariat" was undesirable since the position of the whites among the vast population of blacks made it necessary for them to maintain a superior standard. So that not only large industrial projects but large Imperial projects waited on an increased supply of suitable labour for the Rand.

There was known to be a large surplus population in Southern China. The importation of Chinese contract labour had been under consideration at different times on the west coast of Africa, and a few Chinese had been introduced by Sir A. Jones into Sierra Leone. In Rhodesia the Immigration Ordinances 1901 and 2 had been passed mainly with the object of securing Chinese labour, although the Secretary of State had not yet named China as a country from which such immigration would be permitted. According to the Annual Report of the Chamber of Mines for 1898 proposals were made in that year for the introduction of Chinese labour on to the Rand, but the general opinion at the time was that such a course was

[1] Cd. 1895. Enclosure in No. 17.

inadvisable. After the war the subject was again under discussion, and on February 14, 1903, the Witwatersrand Native Labour Association, under the ægis of the Chamber of Mines,[1] asked Mr. Ross Skinner to proceed to California and the Far East to inquire into

(1) the conditions under which indentured Chinese labourers might be employed on the Rand;
(2) the possibility of obtaining such labour;
(3) its suitability to supplement the present inadequate Kaffir supply.

The question was discussed at the Bloemfontein Conference, March, 1903,[2] and a grudging consent won, "if industrial development positively requires it, the introduction of unskilled labourers under a system of Government control, by which provision shall be made for indenture and repatriation . . . shall be permissible." The active campaign on behalf of Chinese labour for the Rand was opened by Sir G. Farrar's speech to his employees at Driefontein, March 31, 1903.[3] He explained the conditions on which it was proposed to effect their introduction.

These conditions were determined partly by the experience of the U.S.A., Canada and Australia in the matter of Chinese immigration, but mainly by the attitude of the Transvaal people to the Indians in their midst. Many of the Natal Indians freed from indenture had entered the Transvaal after its retrocession to the Boers 1881. Their liberty to acquire property and to trade was questioned by the Europeans, and despite the diplomatic attempts of the British Government to enforce the claims of its Indian subjects—claims secured by Art. XIV. of the London Convention 1884—Law 3 of 1885, imposing restrictive measures, was passed. An award made by Arbitrators, 1895, and a decision of the Supreme Court of Transvaal, 1898, virtually abrogated Art. XIV. of the London Convention and the rights enjoyed under it by British Indians. The matter remained a subject for diplomatic correspondence until the

[1] Cd. 1895. Enclosure in No. 52.
[2] Important Conference of Representatives of British Colonies in South Africa to discuss general questions of South African interest.
[3] Cd. 1896, p. 66.

outbreak of the war. The war altered the circumstances. For the British Government it was no longer a question of enforcing the claims of British Indians against a foreign government, but of settling a dispute between opposing groups of British subjects. Europeans insisted that the Indians were taking advantage of the Peace Preservation Ord. 1902 and its Amendments to flood the country. The Indians denied it. The Indians objected that they were deprived of civil rights, being without power to acquire the franchise or to own land, and being liable to segregation. The Europeans argued that these restrictions were necessary to preserve a European community.[1] Feeling was already tense and bitter in 1903 when Mr. Gandhi, the beloved leader, entered on the self-imposed task of educating his fellow-countrymen until their moral prestige should enforce their civil claims.[2]

Under these circumstances the conditions governing the proposed introduction of Chinese labourers were strictly determined. The Chinese must not enter the Transvaal on the same terms as the Indians had entered Natal. Sir G. Farrar admitted it. " I am absolutely at one with you." [3] The Chinese would be brought to the Rand to do unskilled work—they would in no circumstances be allowed to compete in the skilled labour market. They would be prohibited to trade, or to hold land or to exercise any civil function. At the end of their service they would be repatriated—scrapped. When the time came that the mines could dispense with them, none would be left in the Transvaal. Meanwhile they would be the means of opening skilled work for increasing numbers of British workmen. The superiority of the white race would be maintained. The " servile state " made a necessity by the vast black population would be preserved.

The case for Chinese labour had been stated. By July,

[1] An excellent summary of the position of Indians in Cd. 3308, No. 3. Governor of Transvaal and Secretary of State.

[2] To this end Mr. Gandhi, 1903, started the weekly journal, *Indian Opinion*, and established the little Phœnix Community. His policy of non-co-operation was not developed until later. See *An Indian Patriot in South Africa*, by J. Doke, 1909.

[3] Cd. 1896, p. 70.

1903, the individual members of the Chamber of Mines had "almost all" expressed themselves in favour of the importation, although the Chamber as a body refrained from giving an opinion until after the report of the Labour Commission was issued, lest it "prejudice the evidence" [1] of the Chamber of Mines. The Labour Importation Association was organized, nevertheless, and an active and well-financed campaign opened.

The Labour Importation Association had the support of Lord Milner. He was waiting on the "overspill" of the Rand. Under the circumstances, he declared, "there is absolutely no reason that I can see in nature or common sense why we should not use indentured labourers . . . for purposes for which we may require them." [2] He endorsed Sir G. Farrar's statement that an importation of Chinese labourers would increase the amount of work available for skilled British labour. "The strongest argument, it seems to me, in favour of unskilled Asiatic labour is that it will open up a field for the employment of a vastly increased number of whites and of well-paid whites." [3] Lord Milner did not want a "white proletariat" in the Transvaal.) Chinese labour was to supply him with the means of achieving his Imperial purpose.

There was, however, another aspect to this question of Chinese labour. It aroused strong opposition among the Transvaal community—as distinct from the Mining leaders and the Government officials.[4] "The White League," the "African Labour League," the "Trades and Labour Council" and the less "tame" Boers under General Botha organized an anti-Chinese campaign. They did not allow the chief argument of the Rand leaders. The latter had assumed their right to extract the gold on which they had secured a lien as rapidly and as profitably as possible, without consideration for any larger issues than the securing of suitable capital and labour instruments necessary for the task. The Anti-Chinese organizers denied the right that had been assumed. They objected to the foreign capitalists

[1] Cd. 1896, p. 75. [2] Cd. 1895, Enclosure in No. 17. [3] *Ibid.*
[4] Reports of Public Meetings and Resolutions, Cd. 1895.

utilizing their country's resources for their own ends and by their own means without reference to communal purpose.[1] "The mineral wealth of the Transvaal is the property of the people of the Transvaal, both white and coloured, and not of the foreign investor, who is entitled to nothing more than good interest on the capital he invests."[2] They declared that the rate of progress of the Rand industry must be determined not by the power of the capitalists to use any means to their end, but by the permanent interests of the Transvaal Community. There would be a steady development without Chinese labour—and it was by a steady development, not by an artificial stimulation that the permanent prosperity of the Transvaal would be secured. Let Lord Milner modify his Imperial project. What guarantee had the people that the Chinese would be kept to unskilled work? What guarantee that they would be isolated from the community? Could they be repatriated? Could their habits? Could, for instance, their opium habit? The Transvaal should be developed as a white man's country. They declared that it was undesirable to increase the coloured population of South Africa. The Chinese, if introduced, would hoard their wages, to spend in China. With most of the Rand wealth going in interest and dividends to Europe and in wages to China, how much "overspill" would be left for the Transvaal? Its best interests required that the development of the Rand should be regulated by the combined supply of white and native labour. It was for the people to decide. Let the Rand leaders wait for the decision of a Responsible Government.

The subject of a labour supply for the Rand had become "a centre of public controversy—the staple topic of conversation." A strong opposition having been aroused, Lord Milner was unwilling that an Importation Ordinance should be introduced into the Legislative Council unless it was

[1] Cd. 1895, Enclosure to No. 17, Mr. Hay to Lord Milner: "We colonial born men feel that our country is being utilized by capitalists for the purpose of making money to spend the money they make outside the country."

[2] Minority Report, Cd. 1896, p. 61, § 75.

shown by a Commission that the labour required for the development of the Transvaal could not be obtained from Africa. The Commission was appointed July 2, 1903. The terms of reference were carefully drafted. The Commission was to inquire into the amount of labour necessary for the requirements of the agricultural, mining and other industries of the Transvaal, and to ascertain how far it was possible to obtain an adequate supply of labour to meet such requirements from Central and Southern Africa. Any reference to Chinese labour was thus entirely excluded from discussion.[1] The Commission sat thirty-two days to take evidence, and ninety-two witnesses were examined. But the nature of the Majority and Minority Reports, issued November 19, was a foregone conclusion. The Majority Report (of 10) declared the requirements of the Mines to be such that they could not be met by the native supply and that white labour as a substitute was an economic impossibility. The Minority Report (of 2) declared that the rate of Rand development must be determined by the permanent interests of the community and proportioned to the supply of native and white labour. The Majority Report determined the issue. Already, on September 22, 1903, Mr. Ross Skinner had written his report[2] on the prospects of obtaining Asiatic labour for the Mines. During his tour of investigation he had discussed the subject in California. He had visited the coolie depots in the Straits Settlements. He had heard the opinion of officials in the East. In his report he pointed out the important economic value of the Chinese labourers in the early development of California. But he urged the necessity of stringent control over any coolies who might be introduced into the Transvaal. The Transvaal legislature "should make it absolutely certain that the immigrant is securely indentured and his repatriation rendered compulsory on the termination of such indenture." He warned the Chamber of Mines against the guild system which obtained amongst the Chinese. The power of the Guilds might become a danger, especially if the Chinese believed that the mines were entirely dependent

[1] Cd. 1896, p. 1. [2] Cd. 1895, Enclosure in No. 52.

on their unskilled labour. He therefore advised the Chamber of Mines to employ as many Kaffirs as possible. He did not anticipate any difficulty in recruitment. The knowledge that the Government of the Transvaal approved of the importation of Chinese indentured coolies and " will create a Department to look after their welfare and see that the conditions of the contracts are being fulfilled on both sides, will, more than anything else, cause the Chinese authorities, the Hong-Kong Government and consular authorities to look with favour on the scheme." He pointed out that it was a serious undertaking " to bring into a country a large number of people of an alien race, whose whole idea of civilization and manner of living " was different to that of the Transvaal community.

> " Whilst utilizing the labour proposed to get over present difficulties, the policy of the country and of the mines should be the augmentation of the Kaffir labour supply by every means possible, looking forward to the time, distant though it may be, when South Africa can supply her own native requirements for both skilled and unskilled work."

On November 16, Lieut.-Governor Lawley had forwarded a draft ordinance to Mr. Lyttleton—the introduction of the ordinance being contingent on the adoption by the Legislative Council of the policy of Asiatic labour, and on the sanction of the Imperial Government to such a course.[1] While Lord Milner was on leave in England (August 5–December 10) he discussed Chinese importation with Sir Frank Swettenham, Governor of the Straits Settlements, and long-experienced in Chinese affairs. On Lord Milner's return to the Transvaal, Sir G. Farrar moved a resolution (December 30, 1903) for the introduction of the necessary legislation. The resolution was adopted[2] and the Transvaal Labour Importation Ordinance introduced. The Ordinance as passed by the Legislative Council provided for the introduction of non-European labourers from outside Africa South of 12° north. No person might introduce such labourers without first obtaining a licence from the Lieut.-Governor. The labourers must be under contract—the

[1] Cd. 1895, No. 72. [2] Only four members voted against it.

contract to be valid for three years. On the expiry of the first period the contract might be renewed by mutual agreement for a second and similar time. A contract might be transferred by the importer only with the sanction of the Lieut.-Governor, and on condition that no payment had been made between the interested parties other than for the expenses of introduction. The imported labourer was not to be employed save in the Rand mines, and on unskilled work. He must not be employed on any skilled work, and particularly not in the fifty-five trades and occupations specified by schedule. He might acquire neither directly nor indirectly any liquor, mining or trading licences; nor any leasehold nor property rights. While in the Transvaal he must reside on the premises on which he was employed. He was prohibited from leaving such premises without a proper permit. With a permit he might absent himself for a period not longer than forty-eight hours. Any labourer leaving his mine premises must carry both his passport and permit. If he failed to produce these on the demand of any official appointed under the Ordinance he might be arrested without warrant and fined £10, or in default imprisoned for one month. Desertion or refusal to carry out any of the terms of the contract would be punished as penal offences. The Superintendent appointed under the Ordinance was given power to repatriate any labourer convicted of any offence and sentenced to imprisonment without the option of a fine. At the end of a first, or if the contract was renewed, the second period of service, the labourer was to be returned to his country of origin. If he refused to return he might be arrested without warrant and fined or imprisoned, after which, if he again refused to return, he might be forcibly repatriated. The same applied to the wife and children of any labourer who might be introduced with the labourer by the importer. In the event of a labourer's death, his wife and children were to be returned to China. Before securing a licence to import labourers, the importer must first enter into a bond to pay the expenses of repatriation. Provision was made for the appointment of a Superintendent and staff required for

the general administration of the Ordinance. The Lieut.-Governor was also empowered to make such regulations as were necessary, *inter alia* for the execution, registration and proper enforcement of contracts, and for the proper care of the labourers, for the inspection of their premises, for the protection of their property and rights.

The Labour Importation Ordinance of 1904 compares curiously with the Emigration Convention of 1866. In 1904 the term of service had been reduced to a first period of three years; the right of repatriation, on which Prince of Kung had insisted and which the British Government had refused, was made a necessity. It had a penal sanction; it might be effected by force. Any colonizing element obtaining in the West Indian immigration had been entirely eliminated.

The Ordinance had passed the Transvaal Legislative Council. That Council was a nominated assembly of official and non-official members. The bitter popular opposition to the importation of Chinese had been represented by the four members who had voted against Sir G. Farrar's Resolution—an impotent minority. But there is evidence that the popular anger had become less intense. When forwarding the Ordinance to London, Lord Milner wrote,

> "With the exception of certain trade societies, which have little influence even with the working men, there is no one left to oppose Asiatic labour. You have in favour of it the municipalities, the Chamber of Commerce, converted from a majority of 51 to 5 against to a majority of 51 to 11 for—the great body of white (skilled) miners, the whole professional class, four Christian churches and a unanimous press."

A petition heavily signed in favour of introduction was presented by Sir G. Farrar to the Legislative Council. It is difficult to estimate the value of such an apparent change in popular opinion. The Chamber of Mines was in a position to threaten an owners' strike. The long drought of 1903 may have strengthened the contention that the Transvaal was on the "verge of total ruin." The fettering of the Chinese to unskilled work no doubt satisfied the skilled and trading classes, hostile only from the fear of economic com-

petition. For the Churches it was an evangelical opportunity. The Press was unanimous—after Mr. Monypenny, the brilliant editor of the *Star*, had been dismissed. The Labour Importation Association had been well-financed and highly organized. Sir G. Farrar admitted that the petition he presented was, like all petitions, the result of skilful organization. The Witwatersrand Trades and Labour Council complained to the Colonial Office, " It has been brought to the Council's notice that undue pressure is being exercised by the leading officials on the mines to induce employees to sign papers favouring the importation of Asiatics." [1] It is a curious coincidence that both Mr. Creswell and Mr. Wybergh, the advocates of white unskilled labour, found it necessary to resign their positions. General Botha continued to oppose the Ordinance, but refused to organize a petition—there being no responsible Government to which to present it.[2] The apparent change may have been the artificial result of skilful engineering and economic pressure. The Chamber of Mines and the Legislative Council continued to oppose any suggestion for a Referendum. Yet, artificial or genuine, there was an apparent change. Active hostility, as expressed in public meetings and petitions, ceased. Lord Milner was able to forward the Ordinance as an expression of the will of the Transvaal Community.

The Transvaal being a Crown Colony, the ultimate responsibility for the Ordinance rested with the British Government. Indeed, the subject had become something of an Imperial question. The Dominions had helped to win the War, and claimed a voice in the Peace. The Cape representatives had given a grudging consent at the Bloemfontein Conference to the introduction of Chinese if it became an economic necessity. They now held such necessity not proven. Lord Milner accused them of using a Transvaal question for a cry in their coming elections. The continued resolutions and petitions sent from the Cape Government and people to the Colonial Office were dismissed by him as so much political capital.[3] There may, however, have been some force in the argument that the ordinance would

[1] Cd. 1895, No. 32. [2] Cd. 1899, No. 7. [3] Cd. 1899, p. 6.

prove an obstacle to South African federation—it would introduce "a servile element destitute of rights or interests either in the present or future of South Africa,—a highly discordant element between the European communities which will certainly complicate, if not altogether prevent, the union of the colonies."[1]

Australian and New Zealand opinion was no less strong. Australia had been told that the war was a miners' war, but not for Chinese miners. "The truth, if it had been told, would have presented . . . a very different appeal," declared the Australian Prime Minister. On January 19, 1904, the Prime Minister of the Commonwealth and the Premier of New Zealand had telegraphed to Pretoria,

> "Our experience with the Chinese shows that however stringent the conditions of their introduction and employment may be made, yet it is practically impossible to prevent many and serious evils arising. Moreover, such introduction creates vested interests on the part of employers which render it very difficult to terminate the practice once it has been sanctioned."[2]

The urgent protests of these Dominions do not seem to have had any influence on the Imperial decision in this matter considered as local to the Transvaal. It was otherwise, however, with the opposition of the Liberal and Labour parties in the House of Commons. In debate they presented another aspect of the "Chinese question," that had apparently escaped the attention of both parties in the Transvaal, occupied more exclusively with their own particular interests. It had formed no part of the objection urged by the Cape Colony, Australia and New Zealand.

On February 16 an Amendment was moved to the Address in Reply to the effect that the Ordinance should not be sanctioned until responsible government had been established. On the 17th the closure and division (330 *v.* 172) terminated the discussion. It was reopened by Dr. McNamara on 22nd in a motion for adjournment. He was supported by Liberal and Labour Members. During the debate the members of the Opposition declared that the

[1] Cd. 1895, No. 29. Minute of Ministers, Cape Govt.
[2] Cd. 1941. Enclosure in No. 26.

Transvaal could not be regarded as a self-governing colony on which full responsibility rested. It was not self-governing. The House of Commons could not shelve its responsibility. Was it fair to have such a proposal flung at the House without full opportunity of examining the details ?[1] The Ordinance transformed a Contract of Service into a status of serfdom. The Regulations must be awaited—they were vital. The labourer's consent was not required under the Ordinance for the transfer of his contract. He was given no power to terminate the latter. The maximum length of the working day had not been determined—nor the number of working days in the year. No provision had been made for the fixing of a minimum rate of wages. The labourer had no power of appeal to a magistrate against his records kept by the employer. He was given no right to be accompanied by his wife and children. His interests had not yet been considered. Mr. Lyttelton (Secretary of State for the Colonies) promised that these contract-rights should be safeguarded in the Regulations. Then, it was argued by the members of the Opposition, let the Regulations be awaited. "This House cannot delegate a Trust," declared Mr. Asquith.

On February 22, Mr. Lyttelton telegraphed to Lord Milner that he could not advise His Majesty's consent to the Ordinance until the Regulations had been drafted.[2] Mr. Evans, Protector of Chinese, Straits Settlements, had been invited to the Transvaal to assist in the drafting of the Regulations. He arrived on February 20 and, with the Attorney-General, set to work at once. The pledges made by Mr. Lyttelton to the House had already been forwarded to Lord Milner. The Regulations were telegraphed in outline February 23, and *in extenso* March 8.[3] They provided for the appointment of Government officials in China to supervise the recruitment of the labourers, and to explain the terms of the contract; the labourer was given power to terminate his contract of service at any time

[1] A full copy of the Reports of the Commission was not issued in London until February 14.

[2] Cd. 1941, No. 35.

[3] Cd. 1986, No. 10.

without assigning any reason—on repaying to the importer the costs of introduction and repatriation; the sanction of the Lieut.-Governor to a transfer of contract was to be given only on receipt of a certificate signed by the Superintendent of Labour and the labourer testifying to the latter's consent;[1] every labourer was entitled to be accompanied by his wife and children under ten years at the expense of the importer, or to have them introduced after his arrival into the colony if their names and addresses had been registered by him with the officials before whom the contract was signed;[2] the labourer was to be returned to the port of embarkation.[3] No clause prohibiting corporal punishment was introduced as it was already an offence against the Transvaal Law. Mr. Lyttelton's pledges to the House had been generally embodied—except that no provision was made for a rate of wages. On March 11, Mr. Lyttelton telegraphed to Lord Milner that the Ordinance would not be disallowed. The Ordinance and Regulations had been accepted by the Transvaal Legislative Council and British Government. But one further effort was made by the Opposition in the British House of Commons to prevent the institution of a system of Chinese contract labour on the Rand.

On March 21, Sir H. Campbell-Bannerman moved a vote of censure on Mr. Balfour's Government. The subsequent debate was vigorous. The Government had promised smiling homes for British families in the Transvaal as soon as the "semi-barbarous civilization and the effete Government of the Boers" had been swept away. They were now faced with the fiasco of having conquered a country which they could not colonize. The House was asked to commit itself to an economic creed of low wages and servile labour. Why not introduce Chinese to work out the old Cornish mines? Let the Rand mines increase their white labour. Such a policy might lower the profits of the richer mines and perhaps delay the working of the poorer ones, but an

[1] This meant that the contract could not be signed for the Labour Importation Association, but only for each group of mines.
[2] Only agreed to after further correspondence.
[3] As result of suggestion from Chinese Ambassador in London, to whom Ordinance had been forwarded.

enormous quantity of white labour would be thus absorbed to form the nucleus of the future nation of South Africa. The Chinese might perhaps be better off in South Africa than in China. But was the misery of China to become the standard of British rule? Manual Labour would be dishonoured; the contempt of the white for the coloured races intensified; the sense of separation and antagonism strengthened. The problem would be even more serious. No wage rate had been fixed. Was Chinese labour to undercut Kaffir? And if so, was there to be a gradual displacement of Kaffir for Chinese in South Africa? What would be the effect on the development of the native races? The Ordinance and Regulations in many features resembled slavery in so far as they handed over human beings to the custody of their masters and declared them in effect, if not in terms, to be outside the pale of human society.

The Government denied the establishment of "this precious system of slavery which is producing so great a sensation throughout the country." Mr. Lyttelton refuted the arguments against Chinese labour as cheap labour or as calculated to undercut the Kaffirs. He stated, on the authority of Rand financiers in London, that the Chinese would receive at least 2*s.* a day—an amount which the Chamber of Mines were, however, unwilling to pay, and which after several communications between Lyttelton and Milner was reduced to a minimum of 1*s.* a day, to be raised to 1*s.* 6*d.* if within six months the average coolie pay was not equal to £2 10*s.*[1] The Government approved the Ordinance on the distinct understanding that Chinese labour was to be a temporary measure and an addition to, not a substitute for, native labour. The vote of censure was lost (242 *v.* 299).

But the Ordinance could not be put into effect pending agreement with the Chinese Government. Regulations for

[1] This modification was regarded by some of Mr. Lyttelton's political opponents as a serious breach of faith. It was agreed to by the Colonial Secretary upon representations from Lord Milner that the Chinese coolies would not work well if a high minimum was secured. Piece-work was desirable. Mr. Lyttelton insisted that classes of labour to which piece-work was not applicable should not be paid at lower rates than existing scale corresponding to schedule of mining wages.

the emigration of Chinese subjects to British territory provided for by the Convention of Pekin and not ratified, 1866–9, had now to be drawn up as between the two Governments. The Chinese Government had evidently agreed to regard the Emigration Convention, 1866, as null and void, for on October 23, 1903, the Prince Ching, on receipt of a note from Chang Ta Jên, Minister in London, suggested [1] that Regulations should be framed by the British Foreign Office in concert with the Chinese Minister Plenipotentiary. It was in view of these pending negotiations that, February 4, 1904, the Ordinance was submitted by the Secretary of State to Chang Ta Jên for any suggestions he might desire to make. . . . "Whether this Ordinance is in your opinion one on which Regulations acceptable to the Chinese Government could be framed." [2] The suggestions made by the Chinese Minister in reply were either already met by provisions of the Transvaal Law or embodied in the Regulations of the Ordinance—with the exception that no provision was made giving power to the Consul of the country of the immigrant

"to visit the mines and inspect the places prepared for the accommodation of the immigrants at all reasonable times, and to make representation to the authorities on the subject of any matter affecting the comfort and well-being of the immigrant which may appear to him necessary." [3]

To this proposal the Chamber of Mines strongly objected on the ground that any Consul appointed would most probably be a local trader, such appointment being certain to cause friction.[4]

During April representatives of the Foreign Office, the Colonial Office and the Chinese Embassy met to draft the necessary Emigration Convention. Every effort was made by the British Minister to hasten an agreement—the Chambers of Mines, Trades and Commerce in the Transvaal protesting against the long delay. During the negotiations the Chinese Minister was in continuous telegraphic communication with the Pekin Government, which "unexpectedly

[1] Cd. 1945. Enclosure in No. 1.
[2] Cd. 1945, No. 5.
[3] Cd. 1945, No. 6.
[4] Cd. 2026, No. 2.

assumed an attitude that opened up an endless vista of blackmailing diplomacy and wearisome procrastination—a terrible anxiety to Mr. Lyttelton." [1] The Convention was not signed until May 13,[2] though the special points in dispute have not been disclosed. The Regulations were made general. When Chinese immigrants were required in any British colony or Protectorate the Chinese Government was to be notified : " The Chinese Government shall thereupon, without requiring further formalities, immediately instruct the local authorities at the specified Treaty port to take all steps necessary to facilitate emigration." A salaried Chinese official was to be appointed at the port of embarkation—his duties being almost identical with the duties of the Chinese Inspector under Mr. Austin's scheme (1859). Neither the length of contract nor the right of repatriation was determined, though it was stipulated that where a return passage was provided it should be to the port of embarkation. Under no circumstances was the employer to have the right to transfer a contract without the free consent of the labourer and of his Consul or Vice-Consul. It was declared competent for the Emperor of China to appoint a Consul or Vice-Consul to the territory to which emigration was directed in order to watch over the interests and well-being of the Chinese subjects, but it was agreed in a formal letter attached to the Convention that the Consul should be exclusively in the service of the Chinese Emperor and that the approval of H.M. Government to his appointment should be obtained. Regulations for shipment and passage were laid down by Schedule. The Convention came into force on the date of signature and remained in force for four years, after which time it was terminable by either of the High Contracting Parties on giving one year's notice.

As soon as the Emigration Convention, 1904, was signed, Sir E. Satow, British Minister in Pekin, was instructed to take all necessary steps to bring the Convention into operation at Tientsin.[3] The Governor of Hong-Kong was like-

[1] Worsfold, *Reconstruction of the New Colonies under Lord Milner*, Vol. I, p. 343. [2] Cd. 2026, Appendix. [3] Cd. 2026, No. 51.

wise instructed as to emigration from that port. It was anticipated that the greater number of contract coolies would be obtained from the Southern province through Hong-Kong.

On May 18, 1904, Lord Milner was instructed [1] to allow the Ordinance to come into force as soon as all preliminary conditions were satisfied, and the necessary amendments in the Ordinance and Regulations to allow for appointment of the Chinese Consul and Vice-Consul made.

A Foreign Labour Department [2] had already been established in Johannesburg under a Superintendent, Mr. Wm. Evans, late Protector of Chinese, Straits Settlements. He was responsible to the Transvaal Government for the administration of the Ordinance and the working of the Department. Four Inspectors, all speaking Southern Chinese dialects, were appointed to the Department for the supervision of the arrangements on the mines and the general treatment of the coolies. Emigration agents, seconded from the service of the Hong-Kong Government, Government of the Federal Malay States and from the Wei-Hai-Wei civil service, had been appointed at Hong-Kong, Chinwangtao and Chifu. They were responsible to the Foreign Labour Department for the administration of the relevant parts of Ordinance, Regulations and Convention in the East. They issued the necessary licences to the recruiting agents of the Chamber of Mines' Labour Importation Agency. In concert with the Chinese Inspector appointed under the Convention they made known through the Chinese press the conditions of labour in the Transvaal, explained to the recruited coolie the terms of the contract, examined him as to his voluntary acceptance and issued the necessary licences to the masters of the emigrant vessels, if the requirements of the Indian Emigration Act of 1883 with such rules as were made applicable by the Schedule to the Emigration Convention (1904) had been satisfied.

Preparations had been made also at Durban to receive the expected coolies. The Natal Government passed Ord.

[1] Cd. 2026, No. 54.

[2] See Annual Report, Foreign Labour Dept., 1904-5, Cd. 3025. Appendix IV.

No. 7 of 1904 to provide for their disembarkation and transit to the Rand, the Chamber of Mines having agreed to pay £1,000 per annum, through the Transvaal Government, for medical and police services. On the arrival of an emigrant vessel, it was to be the duty of the Boarding Officer, representative of the Transvaal Foreign Labour Department at Durban, to examine the certificate issued by the Transvaal Emigration Agent to the master of the ship and to make a general inspection. After the Port Health Officer, Immigration Restriction Officer (Natal) and an officer from the Port Captain's Department had boarded the ship, the labourers, under the direction of the Boarding Officer, were to be disembarked, entrained at the ship's side and taken to the depot erected by the Chamber of Mines' agency five miles away. Registration would begin immediately, the coolie being again examined as to the voluntary nature of the contract, his Government pass issued him, and his finger-prints taken by an expert Department.[1] After which the coolie would return to the compound to wait for the special train which would carry him to the premises on which he was to work. Once having arrived on the mine, the coolie would come under the immediate supervision of the Inspectors of the Foreign Labour Department.

Before the Ordinance had come into force (May 19), instructions had been sent by the Labour Importation Agency to their recruiting agents in the East, and recruiting had already begun. Contracts were signed as soon as the Ordinance came into force and on May 25, 1904, the first emigrant vessel, s.s. *Tweeddale*, left Hong-Kong with 1,054 labourers for the East Rand Proprietary Mines. Within a year 43,296 contract coolies had been shipped from China for the Rand.

But within a similar period the Transvaal officials had been forced to reconsider the subject of Chinese contract labour on the mines. A Labour Importation Ordinance Amendment Ordinance was drafted, and received Legislative

[1] This finger-print system was especially important, as it formed the sole basis upon which the coolie was identified during the period of indenture. A special staff of experts had been appointed in Johannesburg, to whom the prints were forwarded for final classification, etc.

sanction September 25. The conditions necessitating this amending ordinance require some detailed explanation.

Satisfactory preparations seem to have been made on the mines for the reception of the contract coolies. One suspects the pretty fiction of the compound, "It sounds like a cattle-pen: it looks like Hyde Park." But to the visitor the compounds had an air of tolerable comfort and their indwellers an air of tolerable content "as they crowd round . . . and answer questions volubly with smiling eyes and polite ingratiating gestures." On September 18, 1905, Governor the Earl of Selborne wrote an interesting report [1] on the conditions under which the Chinese coolies were living on the Rand. They

> "do not differ from those of the native on the Witwatersrand, except that everything provided for him (the Chinese) in the way of food and accommodation is, judged by the European standard, much superior to the food and average accommodation provided for the native. . . . Their food can only be described as excellent."

The health of the Chinese was much better than that of the natives. Good hospitals had been erected by the employers and medical services obtained for the care of the sick coolie. During the year, June, 1904–5, 1,167 [2] labourers were repatriated to China owing to permanent incapacity for work by physical infirmity or disease.[3] For the same period the statistics of deaths among the Chinese were only 469. "It cannot be too widely understood," wrote Lord Selborne, "that the normal condition of affairs on a mine where Chinese are employed is that of tranquillity."

But the "abnormal conditions" were sufficiently grave.

[1] Cd. 2786, No. 25.

[2] *Annual Report* 1904–5, "Health," Cd. 3025, Appendix IV.

[3] Six hundred of these were suffering from an unfortunate outbreak of beri-beri.

There is no information concerning the fate of those who were returned —the employer's liability terminated when the labourer was returned to port of embarkation, though "latterly (August 28, 1905) the Chamber of Mines' Labour Importation Agency has consented, as an act of grace, to supply repatriated labourers who arrive at their original port of embarkation in a destitute condition with suits of clothes and a sum of money to assist them in reaching their homes." This privilege, however, was not extended to labourers repatriated for misconduct or to those who had purchased their discharge. Cd. 2786, No. 15.

Reports of disorders, crimes and abuses were not infrequent. The easy explanation that all the trouble on the mines was due to " the scum of the Chinese cities, the offscourings of Chinese gaols " is quite inadequate. It is possible that some adventurers were shipped. " There appears to be no doubt," reported a Special Committee, 1905, " that the earlier shipments of coolies were hurriedly recruited and that the selection of an inferior class of men resulted." [1] Fifty-one " undesirable characters " were repatriated during the first year. But the great number of the coolies were " peasants fresh from the plough or petty traders." Lieutenant-Governor Lawley admitted, September 6, 1905: " That they have had grievances I am perfectly certain, and that they have had good cause for grievances." [2]

The difficulty experienced by the mine managers in obtaining the services of reliable Chinese-speaking Europeans had forced many of them either to employ inefficient compound controllers or to surrender the coolies into the power of their English-speaking headmen and mine police.

> " Enjoying special privileges at the hands of and working in collusion with their so-called controllers, the police committed excesses which, owing to a system of mutual screening, it was extremely difficult, if not impossible, to bring home to them." [3]

There is no doubt that the police encouraged gambling, for which they lent money at usurious rates and derived large profits from private trading amongst the coolies. The power of the police in the compounds was almost absolute, and on occasion mass revolts, with fatal results, expressed the anger of their victims against its too frequent abuse.

But the grievances were of wider scope than compound extortions. When at work under their white shift bosses, orders indifferently understood were as indifferently obeyed. Master and man being mutually inarticulate, the former not infrequently expressed his wants by a weighty arm or heavy boot. It was not surprising that the " coolies' views of the white man's supposed integrity undergo considerable revision,

[1] Cd. 3025. Enclosure 5 in No. 101, Part VI.
[2] Cd. 2786, p. 16.
[3] *Annual Report, Foreign Labour Department,* 1905–6, Cd. 3338, p. 9.

a factor not tending to increase the prestige or moral influence of those placed over them." [1] Unlike the Kaffir, the coolie retorted on kicks and blows with "stones and jumpers." The temper of the Chinese was not such as to take submissively the white man's bullying. Lord Selborne ascribed to "the improper exercise of authority by individual white men," [2] some of the difficulties on the mines. The result was several disturbances sufficiently serious to necessitate the summoning of the civil police. There were, moreover, frequent grievances on the subject of wages. The compromise insisted on by Mr. Lyttelton, that if the average rate of wages of the coolies on any mine after six months was less than £2 10*s.*, the minimum daily wage should be raised to 1*s.* 6*d.* a day, was the occasion of disputes. In a statement [3] of the wages paid by the Witwatersrand Gold Mining Company, Mr. Bianchini, late Compound Manager, declared that the wages of the first batch of coolies (601) on the Company's mines should have been raised in April, 1905; of the second (450) and third batch (1,261) in June, 1905, and of the last batch (746) in July, 1905. An increase had been given to 336 of the coolies and some 100 had been put on piece-rates, but the rest were still being wrongly rated—an assertion which was substantiated.[4] A serious strike disturbance on the North Randfontein Mine, April 1, 1905, originated in a like dispute over the reckoning of the wage rates after six months' work.[5] Mr. Lyttelton admitted that the coolies had been in the Transvaal more than six months and that the average wages appeared to be under 50*s.*, though there had not been time to compute the rate of wages paid. The mine managements did not always realize the necessity of scrupulous honesty in their relations with their Chinese labourers.

It was further frequently asserted that coercion was used by the managements to induce the coolies to sign contracts for piece-work. Lord Selborne stated [6] on November 20, 1905, that coercion was not possible after the recent agree-

[1] *Annual Report, Foreign Labour Department*, 1905-6, Cd. 3338, p. 13.
[2] Cd. 2786, p. 26. [3] Cd. 2819, p. 49.
[4] Cd. 2819, Enclosure 3 in No. 29. [5] Cd. 3025, p. 162.
[6] Cd. 2819, Enc. 1 in No. 14, p. 22.

ment made between the Chamber of Mines and the Foreign Labour Department that the contracts were to be signed in the presence of an Inspector as evidence of the voluntary nature of the contract. Under the piece-work contracts no wages were paid for less than a given amount of work variously estimated, but generally given as twenty-four inches. Between twenty-four inches and thirty-six inches small wages were paid. After thirty-six inches a system of bonuses came into operation. The piece-work system secured the management against loss on labour. It was no doubt favourable to the coolies of strong physique, some of whom achieved astonishing results, drilling up to 100 inches per diem.[1] But this piece-rate system was hard on the older men, the weaker men, the men unused to strenuous physical work.

There was also some dissatisfaction among the Chinese with the allotment system. Those who so desired had been able before leaving China to assign a certain amount of their wages to their families, which amount was to be paid direct by the officers of the Foreign Labour Department in China. The difficulties in the way of administering the system seem to have been very great, and no doubt frequent mistakes occurred. Mr. Bianchini maintained [2] that

> "the amount withdrawn every month from the labourer's wages and paid to the allottee in China constitutes in most cases either a partial or a total squeeze made by coolie contractors or coolie brokers to their own and sole benefit."

Mr Jameson reported that "no case had come to light in which payments had been made on a stolen pass-book." [3] Nevertheless, the Foreign Labour Department would have abandoned the allotment system had not the Chinese Government, through the Governor-General of Chihli (His late Excellency Yuan Shih-K'ai), made its continuance a *sine qua non* of further recruitment.

The coolie, disappointed or aggrieved, could purchase his discharge if he had sufficient money for the purpose, and during the year 1904–5 twenty coolies freed themselves from

[1] Cd. 2786, No. 25. [2] Cd. 2819, p. 52. [3] Cd. 3338, p. 24.

contract in this manner. Moreover, by the Ordinance and Regulations certain means of redress had been provided for the aggrieved coolie. The most important was that of the Inspectorial staff of the Foreign Labour Department. But the unexpected nature of the Chinese emigration seriously handicapped those who were appointed to this task. It had been anticipated that the greater number of the coolies would be recruited in the Kwangtung province. Mr. Evans, late Protector of Chinese, Straits Settlements, and experienced in the dialects and habits of the Southern Chinese, had been appointed Superintendent, and he had surrounded himself with a staff equipped with a similar knowledge.

But out of the 43,296 coolies recruited during the first year, only 1,741 were from the Kwangtung province. These latter were of a poor type—many of them being victims of a severe outbreak of beri-beri. Recruiting in the south was therefore suspended.[1] It was fortunate for the experiment that the Russo-Japanese War, by closing Manchuria against the usual influx of agricultural labourers, provided thousands of Northern Chinese on whom the Labour Importation Agency was able to draw for the Rand. Of the total number of emigrants, 10,195 were recruited through Chifu and 31,360 through Chinwangtao. "It may not be superfluous to point out that the inhabitants of North China differ *toto cœlo* in ethnological descent, traditions, customs, and language from those of South China." [2] The staff of the Foreign Labour Department were not able to cope with the problems of Northern Chinese emigration. It was not until

[1] Light is thrown on the reasons why the recruiters of the Labour Importation Agency had such difficulty in Canton province by evidence No. 33 given before the Commissioner who inquired into the condition of labour, Federated Malay States, 1910. It was then admitted by the late Transvaal Emigration Agent, Hong-Kong, that "licences to recruiters were issued by me to recruit in China, but the Viceroy of Canton treated my licences with utter contempt because they were issued in Hong-Kong, which was not a Treaty Port." One suspects that the Viceroy's attitude was due in part to the formation of a ring by the Straits Settlements coolie brokers. "A very powerful guild is at work, either in Singapore or Penang, the aim of which is to prevent coolies from going to South Africa from Hong-Kong"—their object, of course, being to secure the coolie market for the Straits Settlements and Federated Malay States.—*Hong-Kong Telegraph*, September 23, 1904.

[2] Cd. 3338, p. 3.

June 10, 1905, that the Transvaal Government was able to secure, as Superintendent of the Foreign Labour Department, Mr. J. W. Jamieson, late Commercial Attaché to H.M. Legation, Peking, seconded from the service of the Foreign Office to the Transvaal.

Even apart from this serious difficulty, the number of inspectors was quite inadequate, and their visits to the mines too occasional. Their work, moreover, was hindered by the fact that their investigations among the coolies were, by some managers, "characterized as unwarrantable interference betwixt employer and employed," [1] and also by the aversion shown by the coolies against making complaints "in the presence of those (headmen) who have the potential faculty of paying them out later on." Under these circumstances it is not surprising that the Inspectorial safeguard was too often futile. "Chinese coolies on the mines have not realized the controlling hand of Government, and have not had an opportunity of making their grievances known" [2] (Lieut.-Governor Lawley).

Failing the Foreign Labour Department the aggrieved coolie still had the right of recourse to the magistrate's court. But his legal experiences, whether as complainant or defendant, resulted only in the often repeated phrase—"Constituted law and authority do not exist in this country." [3] To the Chinese peasant the highly organized system of Roman-Dutch law was "weird and unintelligible." Efficient interpreters were wanting. As a complainant it was practically impossible for the coolie, bewildered and inarticulate, to make good his cause against the trained pleading of the white man—particularly would this seem to have been so in suits brought against white men for assault.[4] Surrounded by a crowd of alien, and to him unsympathetic, faces, all that he knew was that he was "helplessly impotent to present his case in his own way." As a defendant the plight of the coolie was no better. The congestion in the magistrates' courts necessitated frequent remands, "and the

[1] Cd. 3338, p. 9.
[2] Lawley, Sept. 6, 1905. Cd. 2786, Enc. 1 in No. 22.
[3] *Annual Report, Foreign Labour Department*, Cd. 3338, p. 4.
[4] *Ibid.*, p. 5.

coolies found themselves escorted from one Government office to another in what appeared to them an aimless manner, until they were finally lodged in gaol, convicted on charges which they did not understand." It was some time before the finger-print system of identification was perfected, and in the meantime cases of mistaken identity were not infrequent, some prisoners being released prior to the expiry of their sentences, while others were forced to remain in custody long after their sentences had expired. Murderers and accomplices were on occasion acquitted owing to the difficulty of obtaining sufficient legal evidence to convict. "The Chinese had not the slightest idea of what was going on or what it all meant, and dissociated the whole proceedings from their previous conception of justice." [1]

A Chinese Consul in the Transvaal during the first year of the labour experiment might have offered a way of appeal, but Lin Ta-jen was not appointed to that office until May 16, 1905.

Wanting satisfactory means of redress, the disappointed or aggrieved coolies resorted on occasion either to a private administration of justice or to desertion. If the former, the result was slack work, absence from work or assault. During the first year, June, 1904–July, 1905, there were 21,205 cases of Chinese unlawfully absent from work. Two hundred and fifty-nine coolies were convicted during the same period for refusal to work. If the aggrieved coolie were able to command a following, a serious situation developed. The number of riots, June, 1904–June, 1905, sufficiently grave to necessitate the summoning of the civil police, was twenty-eight,[2] while 232 coolies were convicted during the year for leading the disturbances.

If the coolie from whatever reason failed to fulfil his contract, the mine management had the support of the law. The contracts had penal sanctions. But the waste of time in taking the coolie to the overcrowded courts for every trivial offence against the Ordinance, and the general refusal of the convicted coolies to pay fines, resulting in the imprison-

[1] Cd. 2786, No. 25, p. 27.
[2] *Annual Report*, 1904–5, Cd. 3025, p. 162.

ment of a very considerable proportion of the labour force, made the managers loath to take advantage of their legal right. It was under these circumstances that extraordinary powers were vested in them. By contract the coolie was entitled to a definite minimum rate of wage. During the year it was agreed (apparently between the Foreign Labour Department and the Chamber of Mines) that an employer was entitled to demand a fair day's work, and that he might deduct a portion of a labourer's pay for a day on which he had worked but had not performed a fair day's work.[1] The difficulty of defining a "fair day's work" was admitted, but an amount of thirty-six inches drilling was fixed. If the coolie did less than this amount,

"the whole matter is most carefully gone into, all the circumstances of the case, such as the difficulty of the work, the state of the coolie's health, etc., being taken into account by the management. If the decision was that a fair day's work had not been done, a proportionate reduction was made in the coolie's pay."[2]

The serious riot on the Princess Estate, April 27–28, 1905, was occasioned by "loafers being discontented at not receiving a full day's pay for little or no work done."[3] The compound managers and headmen on some of the mines also had a method of making the coolie drill his thirty-six inches in stones in the compound to compensate for slackness below ground.[4] Further, the Chamber of Mines had taken legal advice as to whether or not they would be within their rights in withholding rations from coolies who broke their contract by consistently refusing to do a fair day's work. The legal advice given was that they had such a right. Lord Selbourne was, however, of the opinion that "the mine-owners had voluntarily abstained from applying the principle that if a man will not work neither shall he eat,"[5]—basing his opinion on the absence of complaint by the coolies to the Superintendent. At an earlier period of the experiment, Mr. Massingham wrote, as

[1] *Ibid.*, p. 157. [2] *Ibid.*, p. 158. [3] *Ibid.*, p. 162.
[4] Cd. 2819, No. 70, § 27. [5] Cd. 2819, No. 70, § 33.

a result of a visit to the Rand, that rations were withheld.[1] But a more serious power was vested in the management by the Superintendent, Mr. Evans—the power, in cases of breach of discipline or trivial offences, of inflicting corporal punishment. According to the Transvaal law, flogging was illegal.

As Mr. Lyttleton admitted later, "Mr. Evans appears to have held that it was possible to draw a distinction between slight corporal punishment for disciplinary purposes and flogging, for which the Government was bound to prosecute if brought to its notice." [2]

Mr. Evans reserved to himself the right to take action on behalf of the labourer in the event of such punishment "being in his opinion excessive or improper." Lord Milner and Sir A. Lawley were said by Mr. Evans to have made no objection to the decision. The matter, however, was not referred to Mr. Lyttelton as Secretary of State until after serious abuses [3] necessitated its withdrawal, June, 1905.

These extra-contract powers of deducting wages or inflicting punishment were certainly of great advantage to the management in the saving of time and money. They were probably not considered by the coolies as more unjust than the unintelligible methods of the law. But the implications were significant. The mine manager and the coolie were the two parties to a contract, the terms of which could by Ordnance and Regulations be enforced by penal law.

[1] *Daily News*, January 9, 1905. [2] Cd. 2786, No. 36.

[3] Flogging should have been administered only after thorough and impartial inquiry by the manager. The value of such an inquiry, however, was necessarily in inverse ratio to the degree to which the manager was open to corruption and the amount of reliance which he was forced to place on the interpretation of the Chinese police. But it was admitted that corporal punishment was inflicted by the Chinese police without any such preliminary inquiry, and that the power vested in the management had been extended to include the humiliation of the beam and the cruelty of Asiatic torture; e.g. Mr. Pless, a compound manager, was responsible for an instance of cruelty sworn to by A. J. McCarthy, a witness. After giving a coolie a cold bath, he then gave him a hot one, after which he had him strapped naked by his wrists to two large nails on the door of his dining-room, tied his pigtail up to his hands, and then tied his feet. He kept him tied up from 7 p.m. to 11.15 a.m. At mealtimes Pless brought food and placed it on a chair in front of the coolie, where he was not able to reach it. The coolie was subsequently admitted to hospital.—Cd. 2819, p. 30. Affidavit by A. J. McCarthy.

Mr. Evans gave into the hands of the one party the power of enforcing the contract against the other party. No reciprocal power was given to the coolie.

If a disappointed or aggrieved coolie resorted to desertion the matter was more serious than if he tried a private administration of justice—for such a course involved the interests of the general community. Under Section 19 of the Labour Importation Ordinance, 1904, it was an offence for a labourer to leave his mine premises without a permit. No permit was valid outside the Witwatersrand district for a period exceeding forty-eight hours. It is difficult to estimate the number of coolies who did so absent themselves, whether from accident or design, without the necessary permit. Figures given by the Attorney-General[1] for the period June, 1904–July, 1905, show 570 convicted for absence without permit during this period, and 1,165 convicted for desertions. To this latter figure he added some 250 coolies still at large. Unfortunately these figures are not reliable as a total estimate. The managers did not always consider it to their interests to prosecute for absence from the premises. Indeed, so frequently was this the case that the Inspectors were given the power, 1904–5, to certify to such absence without prosecution in order that the employer might claim the extra time at the end of the coolie's service.[2]

It is evident that a considerable number of the Chinese contravened Section 19, Labour Importation Ordinance, during the first period of the importation closed by the passing of the Amending Ordinance, though, compared with the total number of Chinese, the figures of desertion are small. It was almost inevitable that out of some 45,000 males some would try to escape the conditions of the contract. It is not probable that all Chinese absent without permit were "deserters." Many wishing to visit their friends on neighbouring mines or to make purchases in one of the Rand towns might not trouble about the formality of a permit, or again, curious as to their surroundings, they might wander past their boundaries and lose their way. On the other hand, there can be no doubt that many Chinese

[1] Cd. 2786, p. 64. [2] *Annual Report*, 1904–5, Cd. 3025, p. 161.

left the mines intending never to return. Some, homesick and disappointed, perhaps hoped to find the advertised overland route to Thibet,[1] or to smuggle themselves on to a vessel if they could reach the sea. Others, desperate victims of the professional gamblers, had no other motive than escape. Some, no doubt, had legitimate grievances either against the Chinese headmen or mine management.

The coolie, once he had left the mine premises without a permit was, as the Attorney-General explained, in the position of an outlaw.[2] It was an offence for anyone to employ a Chinese coolie except on the mine premises of the Rand district. Consequently the only means by which he could obtain food and shelter was by a gift or a theft. But the temper of the agricultural families was not generous to the imported coolie appearing at a lonely farm by night, inarticulate and hungry. As the number of desertions increased, the period between escape and capture naturally lengthened. Hunger became more acute. The *Daily Mail* pictured the deserter

> "hiding in dongas by day, slinking across the farms by night, dodging South African constabulary patrols, chivied by Boer farmers, chased by Kaffirs, stealing fowls, robbing lonely homesteads, barefooted, half-starved, desperate, with an Asiatic contempt of life in their blood and Chinese cruelty and callousness in their hearts. No one can understand them, they understand no one." [3]

The alternative to starvation was crime. The position became more serious after the withdrawal of the power of corporal punishment from the managements, June, 1905, which meant inevitably a slackness of control on the mines. Thefts increased, although additional police had been stationed in the Rand area and arms had been offered on certain conditions to the farmers. The terror of the latter was intensified after the murder of one of their number,

[1] "Evidence was also adduced establishing the fact that at a certain mine one of the labourers set up in the calling of a 'geographer,' and, doubtless for a consideration, supplied maps to labourers showing in great detail the road to Thibet, by travelling which these labourers were informed they could reach that country in less than a couple of weeks."—Cd. 3025, p. 81.

[2] Cd. 2786, p. 65.

[3] *Daily Mail*, September 25. 1905.

August 17, by a Chinese deserter. Public meetings were organized. On September 6, a significant deputation of twenty Boers was introduced to the Lieut.-Governor by General Botha.[1] They objected to the conditions imposed on the issue of arms—viz., a security of £100 for their return within three months.

> "We look upon such a step as an insult, for if these fire-arms were given to us for our own protection we do not see what is the object of requiring security for them. . . . We have taken on us the status of British subjects, and as such we claim to be fully entitled to protection. . . . There is a feeling of intense unrest among the people . . . neighbouring families congregate together by night for protection."

Boer hearts grew bitter under the boasted *Pax Britannica*. Lord Selborne informed Mr. Lyttelton, September 18, that he had authorized all farmers living in the Witwatersrand district to possess fire-arms of any kind except magazine rifles, and that he had made arrangements by which any-one who could not afford to buy fire-arms could apply to a Resident Magistrate for the loan of a Martini-Henry rifle.[2]

By the end of the first year of the experiment (June, 1905), it had become evident that some reform in the system was imperative. The Magistrates' Courts, as instruments for the enforcing of the terms of contract, had proved entirely unsuited to the circumstances; extra-contract powers vested in the managements to the same end were subject to such abuses that they had to be withdrawn. The result was a want of control over the coolies on the mine premises so great as to threaten the peace of the surrounding community. "One then found oneself face to face with a veritable *chinoiserie*." [3]

Since his arrival in the Transvaal, Lord Selborne had taken an active interest in the conditions under which the coolies were living and working on the Rand, and had made careful investigation on his own account. In June, 1905, the Foreign Labour Department was strengthened by the appointment as Superintendent of Mr. Jamieson, an experi-

[1] Cd. 2786, Enclosure 1 in No. 22. [2] Cd. 2786, No. 16.
[3] Cd. 3338, p. 4.

enced and capable officer conversant with Northern Chinese dialects. The determination of these gentlemen, with the support of their administrative staffs, to free the system from abuse led to the drafting of the Labour Importation Amendment Ordinance, No. 27, 1905, to which legislative sanction was given September 22. By the Ordinance [1] the Superintendent and Inspectors of the Foreign Labour Department were given power to hold Inspectors' Courts on mine premises and to try: (1) offences by Chinese labourers committed within the Witwatersrand District against the Labour Importation Ordinance, 1904, as amended by Amendment Ordinance, 1905, and any Regulations made under the Ordinance; (2) all offences by Chinese labourers summarily triable by a court of a Resident Magistrate and committed on the mine premises on which the accused was employed [2]; (3) certain new offences were now created: the possession of or the sale or barter of opium; the practice of fraud or deception in the performance of any work which the labourer is bound to perform; wilful or negligent loss or damage to the property of the employer; the use of threatening or insulting language towards the employer or towards anyone in authority; the contravention of sanitary rules for observance in the compounds, were all made offences punishable in the Inspectors' Courts. In addition to these new judicial powers, it was made the duty of every importer to

> "divide the labourers employed by him on any mine into so many gangs or sections as might be necessary for the proper conduct of work, and for the maintenance of discipline and good order to appoint a 'head-boy' in charge of each gang or section."

Any head-boy not reporting to the manager of his mine an offence committed by a labourer in his gang or section was to be deemed guilty of an offence. Power was further given to the Superintendent, with the approval of the Lieut.-Governor, to impose a collective fine on all the members of a gang for the non-reporting of an offence

[1] Cd. 2786, p. 57.

[2] If committed outside the mine premises, the accused had to be sent for trial to a court of Resident Magistrate.

committed by one or several of their number.[1] When the Superintendent or Inspector passed sentence of a fine on a labourer or on a gang of labourers, it became the duty of the employer to deduct such fine from the labourers' wages and to pay it over for the benefit of the Colonial Treasury.[2] The Superintendent was further given wider powers of compulsory repatriation than had been provided under the original ordinance. All sentences imposed in the Inspectors' Courts were made subject to review by the Supreme Court, and in the same manner and under the same conditions as sentences imposed by a Court of Resident Magistrates. Such sentences of imprisonment as were not so subject were made conditional on the approval of the Attorney-General. Every coolie convicted and sentenced could lodge an appeal against such conviction to the Supreme Court. Clause 10 of the Amending Ordinance, 1905, made it lawful for any private white person to arrest without warrant any labourer found outside the Witwatersrand District. On delivering any labourer so arrested at the nearest police station, the person making the arrest was entitled to claim compensation for reasonable expenses incurred and for loss of time.

By the efficient administration of this Amendment Ordinance Mr. Jamieson and Lord Selborne were confident that grievances arising out of conditions on the mines would be promptly investigated and removed, and that as a consequence the number of desertions would decrease, and the peace of the surrounding community be secured.[3] But the reforms came too late. British public opinion did not wait for experience to test their value. The continued interest of the House of Commons in the question of Chinese labour in the Transvaal had led to frequent questions and

[1] "This doctrine of collective responsibility does not appear in any of our legislations, but it is not a doctrine which is foreign to legislations in other countries."—Attorney-General, Cd. 2786, p. 61.

[2] This decision was due to the fact that only on rare occasions would a labourer sentenced to imprisonment with the option of a fine pay the fine. After withdrawal of corporal punishment the gaols of the Witwatersrand were seriously overcrowded.

[3] The staff of the Foreign Labour Department was increased to eight inspectors, and eight orderly clerks (Chinese) were appointed.

to two debates (February 17, 1905, and July 27, 1905). In the House of Lords, May 16, Lord Coleridge raised a discussion on the difference between the actual and the promised conditions of the labourers. By-elections, fought on the Chinese issue, kept the subject before the attention of the people. It was not difficult to foretell the effect on the labour experiment of Mr. Balfour's resignation, December 4, 1905. On December 15, the Earl of Elgin, Colonial Secretary in the new Liberal Ministry, requested Lord Selborne's opinion on the suggestion made by Mr. Lyttelton that the mine-owners should voluntarily stop importation for the next six months.[1] Lord Selborne stated that the mine-owners would be most unwilling, as they had recently gone to enormous expense in development work, " the whole of which will be thrown away if they do not get a labour supply sufficient to make production keep pace with development." [2] " All arrangements have been made with a view to [the] continuous flow of immigration from China being established on [a] permanent basis." [3] The fear, expressed by Mr. Deakin of Australia, that the mine-owners would come to regard importation as a vested right had not been without basis. Indeed, the Chamber of Mines had already replied to Mr. Lyttelton's proposal by making large application for licences, 13,199 of which were issued between November 12–18.[4] Under these circumstances the Earl of Elgin instructed Lord Selborne, December 20, 1905, to issue no further licences for the importation of Chinese pending the grant of Responsible Government, and to consult the law officers as to the possibility of preventing the introduction of the coolies under licences recently issued.[5] He pointed out that

" from the beginning the importation of Chinese labour was regarded as an experiment, and was accepted by H.M. late Government as necessary to meet a serious shortage of labour. Chinese labour was permitted as a supplement to, not as a substitute for, Kaffir labour, and it was necessary for H.M. Government to be assured that the numbers introduced were within

[1] Cd. 2788, No. 1. [2] Cd. 2788, No. 3.
[3] Cd. 2788, No. 11. Lord Selborne, December 30, 1905.
[4] Cd. 2788, No. 7. [5] Cd. 2788, No. 4.

the powers of supervision and control of the Transvaal Government. . . . Native labour has largely increased since January, 1904, when it was represented to H.M. late Government that a grave financial crisis would ensue unless immediate relief was afforded by Chinese labour. The numbers then were 75,000 and are now 96,000—practically on a level with the numbers in 1899 at the time of maximum gold production before the war took place. In addition, there are now on the Rand over 47,000 Chinese. . . . It is clear that there are indications of local opposition to the importation . . . the experiment of the introduction of Chinese labourers should not be extended further until they can learn the opinion of the colony through an elected and really representative Legislative." [1]

The licences already issued could not, however, be revoked. But no more were to be granted before the institution of Responsible Government. Lord Selborne was also asked to consider the withdrawal of the exceptional powers, vested in Inspectors of the Foreign Labour Department under Amendment Ordinance 1905, e.g., those of deducting fines from wages, of levying fines on head-boys, and collective fines. He was further requested to consider proposals by which a coolie, disappointed with mining conditions on the Rand but without sufficient means to buy his freedom, might be assisted to that end by the Government.

These immediate declarations of policy by the new Ministry made it more certain that the general election in January would turn largely on the Chinese question. Mr. Chamberlain urged the electors to make Protection *v.* Free Trade the clear issue of the political contest; Unionists raised the bogy of Irish Home Rule; Dr. Clifford united the Nonconformists against the Education Act. But it was by none of these issues that the British masses were roused to the political activity that achieved the social revolution of 1906. They were freeing themselves from the torpor of half a century, they were preparing to enter the lists of industrial democracy. The Chinese question in the Transvaal was significant of the larger issues in Great Britain. It served as a réveillé for the industrial army. The British people had been "betrayed into a war by the 'money-power' in

[1] Cd. 2788, No. 5.

politics." The "money-power in politics" fooled them about the Peace. So they had fought the war for Chinese labour! Their anger was roused by the disciplinary powers vested in the managers, 1904–5. Flogging was a subject that lent itself easily to exaggeration. But Mr. Lyttelton, who had given his pledge to the House that flogging would be punished as a common assault, had been forced to admit that it had been resorted to as a disciplinary measure with the permission of the Transvaal authorities. There was evidence that the power had been seriously abused. Moreover, it was admitted by Mr. Jamieson [1] that even after June, 1905, corporal punishment had been administered in instances where it proved difficult to secure sufficient evidence to sustain a successful prosecution. Were the very persons of the labourers to be given into the power of their masters? Was this the Unionist interpretation of a contract of service—a bond of serfdom? The Labour Party did not wait for experience to test the value of the reforms instituted by Mr. Jamieson and Lord Selborne. There was, moreover, the immediate and practical argument that the ratio of white to coloured labour in the Rand was rapidly diminishing. According to the figures supplied by Mr. Creswell in the public meeting at Potchefstroom, October 4, 1905,[2] for every additional 100 stamps dropped, June, 1903–October, 1904, the producing mines had required and gave employment to 220 white men. In the following five months for each additional 100 stamps they required and employed only 142 white men; in the next five months every additional 100 stamps gave employment to only seventy-nine white men. Further, there was an increase of 100 in the number of white men employed on non-producing mines in June, 1903, compared with the number employed August, 1905. This decrease in the relative number of white men employed on the Rand mines was sufficient proof for the working man of Great Britain that the policy of employing Chinese coolies was the policy of exploiting cheap and docile labour. It struck at the very foundations of Trade

[1] On this subject report on Li Kuei Yü should be read, Cd. 3025, Enclosure in No. 52.
[2] Cd. 2819, Enclosure 2 in No. 6.

Unionism. And the responsibility for it rested with the late Unionist Government of Great Britain. The British working man was roused to a determination, strong and unruly, to prevent the Unionist party from returning to power.

But the late Unionist Government found itself opposed on its Chinese policy not only by the Labour Party. It was Sir H. Campbell-Bannerman who had moved the vote of censure, March, 1904. It was his declaration that the issue of licences would be suspended that had roused the crowded audience of the Albert Hall to a five minutes' cheering, December 21, 1905. The Liberals were Free Traders, and were opposed to the tariff cry of Mr. Chamberlain. But they were no less opposed to the system of Chinese labour with its effect not only on the coolies but on the Transvaal community. Mr. Balfour retorted with a *tu quoque*. Liberal Ministers had been responsible for the Ordinances under which Indian labourers were introduced to the West Indies. He was invited to consider, in reply, whether the conditions of the Chinese in the Rand compounds and of the Indians in the West Indies could be compared. Unionists taunted Liberals for being Little Englanders. They would snap the Transvaal, as well as Ireland, from the Empire. Chinese labour was necessary for the Rand. It had been introduced by the will of the Transvaal people. Rebellion would be the result of the Liberals' policy. The Liberals denied that the Labour Ordinance had expressed the will of the people of the Transvaal. That will could only be expressed through a Responsible Government. They proposed to establish such a Government. They believed their policy had the support of the Transvaal people. They had the support of the Boer farmers, who had sent the deputation to the Governor demanding protection. They had the support of the mass meeting, held by the Rand miners [1] in protest against Chinese labour, and by the Afrikander Bond party,[2] in denial of the statements made in the British Tory Press that they would join the "cut the painter"

[1] December 15, 1905, of meeting some 3,000 miners.—*Daily News*, Jan. 8, 1906.
[2] January 9.—*Daily News*, Jan. 10, 1906.

movement if Chinese importation was stopped.[1] The Liberal candidates declared that the only party likely to cry "Republic" was that of the Rand magnates. The labour system established on the Rand was unjust to the Chinese, denied all social rights, and dangerous to the community which denied those rights. Let the Transvaal people choose through a Responsible Government. The campaign was keen and noisy. The words of "Chin-Chin-Chinaman" were sung to interrupt the speeches of Unionist candidates. Significant cartoons and posters, suggesting exaggerated aspects of Chinese life on the Rand, were widely distributed. The result of the elections was due to something more than the weakness of the Unionist machine. It expressed a people's wrath. A great historic party was almost effaced. Mr. Balfour and a number of the late Cabinet Ministers were defeated. It was "the most emphatic condemnation at the hands of the people that has ever been passed upon any Prime Minister."[2]

The Anti-Chinese importation policy of the Liberal Government had received the overwhelming support of the British people. As a result, the mining magnates feared that the extreme measure of repatriating the Chinese already on the Rand might be contemplated. But such was not the policy of the British Government. Until a Responsible Government was established they would prevent the issuing of further licences for recruitment,[3] and in the meanwhile they would insist that the system must be rid of its abuses.

Their first interest was the case of the coolies who were disappointed with the nature of mining work and desirous of returning to China, but who were without the funds necessary to purchase their discharge. Lord Selborne had written, September 18, 1905:

"While I believe that the Chinese were told that they were

[1] E.g. *Daily Telegraph*, Dec. 22, 1905: "English and Boers, the hitherto loyal and the permanently disloyal, will combine to 'cut the painter' and politely and unanimously to usher the British garrison and the British flag out of South Africa."

[2] Mr. Lloyd George, January 15, 1906.

[3] The Labour Importation Association was permitted to introduce coolies on licences already issued until November, 1906, after which recruitment was prohibited.

coming to work on a mine, I also believe that many of them did not understand what work on a mine entailed." [1]

" H.M. Government are anxious to avoid anything in the nature of an incitement to the coolies to terminate in large numbers their contracts, and thereby cause a heavy charge to Imperial funds and an industrial collapse on the Witwatersrand,"

Lord Elgin informed Lord Selborne. But

" they desire that no man who earnestly and repeatedly avows his wish to return to China, and can prove that he does not possess the necessary funds, shall be detained in South Africa against his will." [2]

The mine managers protested, and Lord Selborne in general supported their arguments that mine discipline would be subverted if coolies were assisted by Government to buy their freedom. Many of the coolies who had been repatriated had made different attempts to return to the Transvaal.[3] The coolies would attribute any such proposal to an attempt on the part of H.M. Government to upset the existing contracts to their disadvantage ; or they would take advantage of it to leave the country in a body before the Government could deprive them of the savings they had accumulated, and with which they could have purchased their own discharge had they seriously wished it. The Acting Lieut.-Governor suggested [4] that no notices should be posted in the compound, but that the Superintendent or Inspectors in their visits of inspection might ascertain if there were labourers genuinely anxious to return to China. All genuine cases could then be investigated, and if deemed worthy, the coolie could be assisted to China—and to freedom. In a Memorandum [5] to the Earl of Selborne, the Chamber of Mines pointed out that when the Labour Importation Ordinance was passed, the Mining Companies " expended large sums of money and undertook heavy commitments " whereby " important vested interests have

[1] Cd. 2786, No. 25, p. 29. [2] Cd. 3025, No. 18.

[3] Selborne to Elgin, Jan. 22, 1906 : " It was with a view to checking this movement that I asked your permission for instructions to be sent to our Minister at Peking, directing him to ask Chinese provincial authorities to keep an eye on the repatriated coolies so as to prevent their return." —Cd. 2819, No. 67, p. 107.

[4] Cd. 3025, No. 48. [5] Cd. 3025, No. 58.

been created." To them the British Government was proposing to violate the right of private contract. When the Earl of Elgin instructed Lord Selborne that the notices were to be posted, the Chamber of Mines made an application to the Supreme Court for an injunction against such a procedure.[1] Judgment being given, May 9, that there was no legal objection to it, the notices were posted at once in all the compounds. By the end of a fortnight only twelve applications for assistance had been made.[2] During the same period a petition was presented to Lord Selborne from one group of coolies, protesting against a supposed compulsory repatriation, and petitioning that the full amount of wages for the unexpired portion of their three years' contract should be made good to them, "that they may have the wherewithal to start life anew."[3] Lord Elgin was consequently led to the opinion that the form of the notices must have led the coolies to completely misunderstand the offer, and he therefore instructed Lord Selborne, June 28,[4] to omit all "minatory and hortatory sentences" from them.

In addition to such a reform as was thus proposed, the Liberal Ministry in Great Britain were determined that legitimate grievances on the mines should be removed. In this they had the active co-operation both of Governor Selborne and of Mr. Jamieson and his staff. The Inspectors' Courts had been organized. In replying to certain of the objections raised in Great Britain against the Inspectors' Courts, Mr. Jamieson insisted on the value of the greater facilities given to the coolies to state their case freely in their own language to a sympathetic individual acquainted with their methods of thought and racial idiosyncrasies. The coolie "is so to speak at home."[5] He was further in a position to summon any witnesses in his favour.

"As an instance of how justice administered in this way appeals to the individuals concerned, it may be noted that coolies brought before the Court held in the Superintendent's Office in Johannesburg, which in externals more resembles an ordinary court-room than the Courts on the mines, exhibit greater con-

[1] Cd. 3025, No. 75.
[2] Cd. 3025, No. 106.
[3] Cd. 3025, Enclosure in No. 134.
[4] Cd. 3025, No. 143.
[5] Cd. 3338, p. 7.

straint in stating their case or in giving evidence than they do elsewhere, the inference being that they associate it more intimately with their recollections of the magistrates' courts."[1]

Under instructions from Lord Elgin, Ord. 12, 1906, was passed. By it were rescinded certain of the extraordinary powers vested in the Inspectors of the Foreign Labour Department by the Amending Ordinance, e.g., the deduction of fines from wages, the fining of head-boys for not reporting an offence, the imposition of collective fines. The British Government was determined that any possible cause of complaint should be removed. The success of the honest efforts made by the Inspectors to remove legitimate grievances is evidenced by the non-occurrence of group disturbances, 1905–6. Nevertheless, the tale of crime for the year, June, 1905–6, was longer than for 1904–5. Out of an average number of 47,600 labourers employed during the period, 13,532 were convicted of offences, 11,754 of which were against the Importation Ordinance. The cases of deliberate "desertion" numbered 1,700. During the year 26 coolies had been convicted of murder, 7 of attempted murder and 210 of house-breaking.

For there were evils inherent in the system of Chinese indentured labour on the Rand that were beyond the control of any administrative department, however able. The problem of the leisure time had not been solved. The coolies could engage in no normal social activities. There was no family life in the compounds. During the two years, June, 1904–6, only five women and thirty-one children [2] had accompanied the labourers to the Rand. Mr. Jamieson wrote:

"It is a subject of comment amongst the resident officers conversant with the Chinese in their own country that after a few months on the Rand the coolies become 'de-Chinese-ed,' . . . a sudden uprooting of ancient landmarks defining the path of duty, a relaxation of time-honoured canons of be-

[1] Cd. 3338, p. 7.

[2] Of these one woman and two children had returned to China. By regulations the labourer had a right to be accompanied by his wife and children. Mr. Bianchini declared that the coolies complained that their wages were not sufficient to support their families in the Transvaal, where the cost of living was admittedly high.

haviour, the withdrawal of the collective moral atmospheric pressure, if it may be so called, brought to bear on the individual from the day of his birth, by the family, the village and the community at large can be good for no man, and if after a short sojourn here the coolie finds that he can afford to disregard with impunity prescriptions hitherto considered sacred, it is not surprising that he should develop a tendency towards degeneration." [1]

The insolence of a white boss, the want of scrupulous honesty in a manager, the swindling by a Rand storekeeper [2] quickened the inevitable result. Gambling rapidly increased.

"An instance has been quoted to us where a labourer has incurred a debt amounting to about £200 through gambling. This practically means that he has more than pledged the rest of his industrial existence in this country. Cases in which debts of this nature have reached amounts of £20 and £30 appear to be fairly numerous," [3]

reported a special committee appointed to investigate the subject. Non-payment of such a "debt of honour" resulted in intolerable collective pressure. "Life becomes unbearable to them." The Special Committee stated that nine-tenths of the deserters were victims of gambling—their object in deserting being either to escape or to obtain the means by which to satisfy their creditors. The professional scoundrels did very little work, forcing their debtors to fill their work tickets for them [4] and securing through them leave permits from which they might otherwise have been debarred. The "opium-habit," made illegal by the Amending Ord. 1905, was frequently though surreptitiously practised, and gave good profits to the opium dealers. Such irregularities were connived at, if not participated in, by the Chinese mine police, who "are not only unreliable but resort to all sorts of malpractices and extortions." But the "degeneration" was marked not only by gambling, opium-dealing and professional idleness. Early in August, 1906, Mr. Mackarness gave certain evidence to the Earl of Elgin which led the Secretary of State to request the Earl of Selborne to

[1] Cd. 3338, p. 13. Mr. Jamieson, in Annual Report.
[2] *Ibid.*, p. 11. [3] Cd. 3025, p. 82.
[4] Cd. 3025, p. 820. "The best coolie is often the worst scoundrel."

institute a confidential inquiry into the social conditions of the mine compounds. The inquiry was entrusted to Mr. Bucknill, who examined twenty-six witnesses and collected a great mass of documentary evidence, including fifteen reports from medical officers. Evidence and reports were confidential, but by an accident certain members of the House of Commons learnt the secret. On November 15, Mr. Lehmann moved the adjournment of the House for a discussion on the matter, and on the same day questions were asked in the House of Lords. It was then made known by the Colonial Secretary that the offence of male prostitution "prevails at most if not all of the compounds." [1] It was clear from the evidence "that there were in those compounds persons who lent themselves to these practices either from habit or for money." In defending the mine-officials against a charge of having tolerated this thing, Lord Elgin stated that "one of the main difficulties which arose in checking [it] is the secrecy with which it is conducted." In the House of Commons the Prime Minister declared that the police and other officials could not be blamed for indifference, because witness after witness said that although they knew the evil existed, it was almost impossible to detect it; but it was known to exist." [2] The result was demoralization and disease. As the Prime Minister stated, such dangers "were certain to arise where the ordinary social conditions were so commonly inverted." Somewhat unjustly, Mr. Lyttelton was called upon to judge of the system established by his consent in the light of after events. He declared that "he would never have proposed that coolie labour should be established on an organized system of prostitution." The only available evidence he had had in 1904 concerning the habits of emigrant-Chinese was that of the Canadian Commission in which it was stated that "to the frugality of the Chinese was to be attributed the comparative absence of habits of sensuality." However, the truth was out in November,

[1] See also H. of C. Debates, Nov. 15, p. 202, Mr. Winston Churchill (Under-Secretary).
[2] H. of C. Debates, Nov. 15, p. 217, Sir H. Cam bell-Bannerman.

1906. The Under-Secretary stated that "The revelations of Mr. Bucknill's report disclosed a sufficiently unhealthy, unwholesome and unnatural condition of affairs to seal the fate of Chinese labour." "This Report," declared the Colonial Secretary, "making every allowance for certain qualifications which it contains . . . does in my judgment strengthen the view that the permanent adoption of this system is impossible."

But even had the Liberal Ministry not been convinced by this "moral disaster" that the system must be terminated, the hostile fear of the Rand community would have been sufficient to attain this end. For demoralization led to more gambling and more gambling to desertion. Robbery was deliberate. When it was resisted there was murder or attempted murder. Early in 1906, Lord Selborne had issued instructions for a wider distribution of arms, as a result of which "I understand there will not be a single case of an unarmed man within ten miles of the Witwatersrand." Additions had been made to the Transvaal police, while a military force of 400 men of the South African constabulary had been appointed to arrest deserters and to prevent the excursions of predatory parties. Nevertheless, outrages continued. During April and May large mass meetings were held in Heidelberg and Pretoria. Strong speeches were made expressive of an "intense feeling of irritation and uneasiness." On May 4, Lord Selborne, together with the Acting Lieut.-Governor, received a deputation of delegates from the Het Volk branches in the towns along the Reef accompanied by Generals Botha and Smuts and other members of the Head Committee. "The hearts of the people were sore," [1] said General Botha. Lord Selborne promised that the recommendations of the Select Committee, appointed April 2 to inquire into the conditions of control of Chinese coolies on the Mine premises, should be carefully considered. In so far as these related to a more efficient system of issuing leave-permits and of securing control of the mine premises they were adopted. But the Report stated that

[1] Cd. 3025, p. 71.

"The only effective method of control that we can see for checking desertions from the mine premises is maintaining a system of guards on the mine boundaries and the erection of physical barriers in the shape of wire fences as a police measure and to assist the management of the mines in maintaining a proper control over the labourers." [1]

This recommendation was opposed by three members of the Committee, including Mr. Jamieson and the Chinese Consul, and was disallowed by the Secretary of State. The measures taken to meet the situation proved inadequate, though Lord Selborne continued to be of the opinion that "by the proper control of the labourers without any infringement of the liberty they enjoy by law . . . these outrages can be avoided." [2] He again pointed out that the present desertions were due not to grievances against the mine managements but to the results of gambling—to the social degeneration.

By May 16, General Botha considered the situation so "grave and menacing" as to make a direct communication to H.M. Imperial Government imperative.[3]

"Repeated representations and remonstrances addressed on . . . behalf (of the rural population) to H.M. Transvaal Government have so far been fruitless in checking the steadily growing volume of crime and outrages committed by the Chinese coolies. . . . The Transvaal Government have made every effort to stamp out these outrages but . . . they have so far failed. . . . The result is a most lamentable state of unrest in the country, such as has not been known within the memory of man. Farms are being deserted, the people living on the isolated farms have at great inconvenience and loss to trek at night to one locality from the neighbouring farms for mutual protection and to keep watch and ward as if a state of war existed; men seldom venture from their farms in order not to leave their women and children defenceless . . . and the coloured servants are trekking away and bringing farming operations to a standstill. The rural population have hitherto submitted with admirable forbearance to this intolerable state of affairs, but it is to be feared that unless a change takes place immediately, a sense of self-protection might force them to take the law into their own hands and the consequences might

[1] Cd. 3025, p. 83. [2] Cd. 3025, No. 120.
[3] Cd. 3025, Enclosure in No. 120.

be most lamentable. . . . Unless these outrages can be effectively stopped without further delay, the only alternative in the interests of public tranquillity will be the immediate repatriation of the Chinese labourer."

The experiment of Chinese labour could not continue. The elaborate safeguards instituted to prevent any economic competition between the Transvaal community and the "human machines" imported from China were inadequate to the circumstances. The Rand had imported men.

On November 30, 1906, the machinery of recruitment in China was broken up. By the Letters Patent of the Transvaal Constitution (Dec. 6, 1906) it was provided that no licence should be issued or no contracts renewed under the Labour Importation Ord. after the commencement of the Letters Patent; that on

"the termination of the period of one year from the date of the first meeting of the Legislature, the Ordinance of the Colony intituled the 'Labour Importation Ordinance, 1904' and all ordinances amending the same and all Rules and Regulations made under the authority of the said Ordinances shall be repealed and cease to have effect within the Colony and the system of labour deriving effect from the said Ordinances, Rules and Regulations shall accordingly be determined."

The new Legislature had the power to accelerate the end or to regulate it subject to the conditions of the Letters Patent.

In their first general election the Transvaal community gave an urgent support to the Liberal Ministry's decision. General Botha, as Premier, delivered his policy speech, June 14, 1907. He announced that although pressure had been put on the new Government to amend the Constitution in order to allow of the renewal of contracts, the repatriation of the labourers would take place as their indentures terminated [1]—a decision to which the Government adhered, not only because Chinese labour was "in the highest degree inimical to the abiding interests of the Transvaal . . . but also by the consideration that the supply of native labour is and has been for some time in marked excess of the demand." The Native Labour Bureau established by the

[1] Before the end of the year some 16,759 contracts would be determined.

Government in connexion with the Native Affairs Department would undertake the duty of regulating the supply of labour to the mines, would supervise recruitment and see that it was better controlled and more systematically conducted, and would safeguard the interests of the natives in labour districts. The Government had determined to foster a native as distinct from a Chinese policy.

Sir G. Farrar, leader of the Opposition, led a strong debate against a Government, who were now pulling down the economic structure "which has taken five weary years to build up." He declared that

> "the mining industry needs labour, not a fluctuating supply of labour but a labour supply that will be consistent, labour that must be there and labour that is to be a guarantee to those who put capital into this country so that the works which are started here shall not be delayed through want of labour."

He attacked bitterly "the policy of the interference of Downing Street in the internal affairs of this country." The right of renewal of contract was a vested interest. Ordinance and Regulations had given the right to the coolie and the management. The Prime Minister had promised that every coolie going out of the country would be replaced —but where was the evidence that any large supply of native labour could be procured in South Africa?

But the Transvaal people had made their decision:

> "The Government anticipate that the repatriation of the Chinese will lead to the restoration of healthier and more stable conditions on the mines; to a larger employment of white labour, to the more economic and efficient use of native labour, and to the application on a larger scale of mechanical appliances to mining operations."

By the Constitution it was provided that all Ordinances and Regulations became without force or effect one year after the meeting of the Transvaal Legislative Assembly. This would have meant not only that a large number of labourers would be unable to complete their contracts, but that they would remain in the Transvaal as free men. Act 19 of 1907 was accordingly passed to allow sufficient time for the natural termination of the contracts and a reason-

able period afterwards for repatriation. The importers remained liable for the expenses of repatriation, the Government having taken the position that no vested right had been created. The Act received Royal assent August 16, 1907.

The Chinese labour experiment in the Transvaal terminated as the contracts expired.

CHAPTER V

THE PRESENT SYSTEM IN THE SOUTH PACIFIC ISLANDS

(a) WESTERN SAMOA

THE failure of the Transvaal experiment no doubt influenced the British Government to terminate Chinese contract labour in British Malaysia, 1914–15. Since that time there have been no Chinese coolies working under indentures of labour in any territories under British control, save in the ex-German islands of the South Pacific under the mandatory power of New Zealand and Australia—namely, Western Samoa and Nauru.[1] The circumstances that led the British Government in 1919 to yield to the pressure of the Government of New Zealand for permission to renew Chinese contract emigration to Western Samoa direct attention to the problems now confronting the administrators of the Pacific Islands.

During the last thirty or forty years the rich brown soil of the islands of Western Samoa has attracted a large inflow of capital for the opening up of coco-nut, cocoa and rubber plantations.[2] But the planters of the islands have found the population of some 30,000 native Samoans unsuited to their economic projects. In Upolu and Savaai the Samoans still retain possession of some half a million acres of land, and are therefore under no necessity to labour on the European plantations. "The fertile lands and seas provide in abundance the modest requirements of these native

[1] The men engaged in the Pearl Fisheries off the north and north-western coast of Australia come rather under the special category of seamen.

[2] During 1919, 16,356 tons of copra and 820 tons of cocoa were exported to America, Australia, and New Zealand—the total value of the export amounting to some £304,000.

The coolies might also appeal to their consular representative in the islands. Moreover, the terms of the contracts were enforced by penal sanctions imposed by labour enactments. On the termination of the contract, the coolie was to be repatriated at the cost of his employer. No mention was made of reindenture in the terms of the agreement, but it was allowed by mutual consent. Chinese who did not wish to return to China might re-engage their services to an employer, but they might not remain in the country as free settlers. There were some 2,200 Chinese coolies working under these conditions in Western Samoa prior to the military occupation of 1914.

On the declaration of war, the New Zealand Government dispatched a military expedition to take possession of the German islands of Western Samoa. The military officers who administered the island-affairs during the war-period were quickly confronted by the " labour difficulty." An application made by the planters for permission to continue the introduction of Chinese coolies under contract into Western Samoa was referred to the Secretary of State for the Colonies. It was refused. The planters were informed that it was against the fixed policy of the British Government to allow indentured Chinese coolies in the British possessions. In 1920 Sir J. Allen stated that " The Imperial Government sent us absolutely definite instructions not to indenture any more Chinese labour during war-time —nor Solomon Island labour either." [1] The Colonial Secretary persisted in the refusal, despite repeated communications from the New Zealand Government. The planters argued that " technically and strictly speaking, it was not a British possession but a German colony under British military occupation, and according to the Hague Convention the German law and all German arrangements continued in force." The argument was ineffectual. The attitude of the British Government being so determined on the subject of further Chinese immigration under contract, an urgent request was made that at least the Chinese already in the islands should be allowed to reindenture.

[1] N.Z. P.P. *Visit of Parl. Party to Pacific Is.* 1920, p. 53.

"Their first reply was 'No,'" Sir J. Allen stated, March 10, 1920.

"We realized that that meant the destruction of the Samoan plantations, and we communicated over and over again with the Imperial Government and begged them to permit us to reindenture the labour which was here. Finally they gave a partial consent. They consented to our reindenturing for three months only during the war-time." [1]

The period was later extended to six months—and after the Armistice to two years.

The planters were bitter against the new administration.

"Our Chinese hospital, which had been erected in a central position for the convenience of the plantations, and furnished with the medicines and equipment necessary for our purpose at considerable expense, was closed by the Government, and we were forced to send our men to the Government hospital, which was not conveniently situated. Again, our labour barracks, which had previously been considered to fulfil all requirements, were found unsuitable for the accommodation of our labour force, and we were compelled to make additions or erect new buildings, this in spite of the fact that the health of our men had been universally good and building material was scarce and the price inflated. To add to our difficulties, the forced repatriation of our labour at the prohibitive cost we were called upon to pay was almost the last straw." [2]

The short periods of reindenture meant that "we have had to repatriate men who had desired to go back. We had to charter steamers to take those people away at an enormous expense to us." The result was to be expected.

"As each transport was dispatched, the demand for indentured labour quickly overran the supply, and labour, getting scarcer and scarcer each year, planters, in order to secure the minimum amount of help necessary to the running of their estates, were compelled to bid against each other, thus gradually forcing the cost of indentured labour to the present almost prohibitive price" [3] (£2 10s. per month with certain food rations).

At the end of 1919, of the 2,200 indentured coolies in

[1] *Ibid.*
[2] *Ibid.*, p. 41.
[3] *Ibid.*, p. 43, reprint of an article in *Samoa Times*, September, 1919, by Mr. A. Cobcroft.

recruited in Chinese territory to be drafted through Hong-Kong for Government supervision. The request was allowed.

In the second place, the proposals were actively opposed by the political Labour Party of New Zealand. In the Debate on the Second Reading of the Treaties of Peace Bill, October, 1919, which gave power to the Governor to make laws, rules, and regulations for the administration of Samoa by Orders in Council if necessary during the Parliamentary recess, Mr. Holland moved the amendment that "Such order in Council shall expressly forbid the employment of indentured labour in Western Samoa." The amendment was lost on a division (10–29) but the Prime Minister gave the House to understand that the numbers of indentured labourers in Samoa would not be increased until the House had a further opportunity in the following Session to discuss the matter. He further asked members to take advantage of the arrangements made for the visit during the recess of a Parliamentary Party to the Pacific Islands administered by the New Zealand Government. The Party landed in Western Samoa, March 5, 1920. During their stay on the islands, the opinion of the Faipules, on the subject of imported labour, was not officially asked or given—though, according to a statement made by Mr. Holland,[1] the Samoan people had especially desired that it should be discussed in order that it might be abolished. Inspections were made on some of the plantations, and a few Chinese coolies were questioned through an interpreter. Members of the Labour Party gave considerable attention to the indentured system as at the time established. The average rate of pay to the Chinese coolies working under reindentures was £2 10s. a month, with an additional 12s. food allowance, and a daily ration of 1⅜ lb. of rice.

Q. What is the difference between the wages they receive here and the wages they received in their own country before they came here?

A. They have rather more wages here, but the cost of living is dear, which makes up the difference.[2]

[1] *N.Z. Parl. Debates*, July, 1920, p. 895.
[2] N.Z. P.P. *Visit to Pacific Is.*, p. 30.

Some were working on tasks, some by the day, according to the will of the planter. The Chinese were not permitted to leave the estates without a special permit. In practice, however, apparently no notice was taken of a one day's absence without leave apart from a deduction in wages. If the absence was for a longer period the matter was reported to the Commissioner and the coolie punished. When four coolies were questioned by Mr. Holland on the subject of punishment, the reply was "He says he is afraid to answer." [1] On the assurance being given that the party were there to protect and not to injure them, the information was given that "these four are good coolies. They have all a clean record. They have never been up for punishment." [2] Knowing the moral disaster that had occurred during the coolie experiment in the Transvaal, particular attention was given to the relations between the Chinese and the Samoan women—there being no more than four Chinese women in the islands. Evidence was given that of the 838 Chinese, some fewer than 200 had lived, or were living, for longer or shorter periods, with Samoan girls. In some instances the attachment was no doubt sincere. When the coolies were repatriated their women and children were forced to remain behind. In questioning a planter concerning the habits of the coolies who had not cohabited with the Samoans, either from the natural difficulty of language or for other reasons, Sir J. Allen asked:

"Do they live lives of absolute celibacy?"

A. "I think they tried to get one, but they cannot support or cannot get a woman. So far as I know I do not think there is any male prostitution. I have been here only a short time." [3]

Mr. H. Morley, Manager of the Tanumapua Plantation, was also asked:

"What was their relationship with the women on the island? Did they live lives of absolute celibacy?"

A. "They used to go down to the Samoan villages at the week-end . . . if the Chinese are allowed to run about the island it is bad for the natives." [4]

[1] *N.Z. Parl. Debates*, July, 1920, p. 896.
[2] N.Z. P.P. *Visit to Pacific Is.*, p. 30.
[3] *Ibid.* [4] *Ibid.*, p. 31.

A coolie questioned by a member of the Parliamentary Committee gave the following replies:

Q. Would he like to bring his wife to Samoa?
A. He would not like it at present.
Q. What is his objection at present to bringing his wife here?
A. He has no money at present.
Q. If he had money, would he like his wife here?
A. Yes, he would like to bring her if he had sufficient money.[1]

The New Zealand Parliament reassembled in June, 1920, after a general election. When the subject of Samoan administration was under discussion, Mr. Holland, as a result of his experiences on the islands, moved that "the House records its opposition to the continuance of indentured labour in Western Samoa." The case for the Government was stated by Mr. Lee, Minister of External Affairs.[2] He quoted from a speech made by Sir J. Allen.

"As I read the Mandate, the islands are committed to us, it is true, in the first instance to conserve the native interests; but they are also committed to us in care for the rest of the world, and I personally do not believe it possible or right that rich islands like these in the Pacific, which produce things that the inhabitants of the world require, should be left uncultivated." [3]

The Government had undertaken the task. But "the only way to develop these islands is to produce what the lands will so well produce and by labour from outside,"—by "properly controlled indentured labour from China." The Samoans would not work steadily on the European plantations. If the Europeans could not get outside labour they would be unable to check the beetle and the results would be disastrous for the islands. Mr. Lee quoted the opinion of the London Missionary Society that there was no "substantial foundation in fact for the assertion that the introduction of single Chinese in the past has resulted in a great moral degradation of the Samoan people." Such trouble as had arisen was the result of the long periods served by some of the Chinese in the islands. It took them three

[1] N.Z. P.P. *Visit to Pacific Is.*, p. 37.
[2] *N.Z. Parl. Debates*, July 28, 1920, p. 798.
[3] N.Z. P.P. *Visit to Pacific Is.*, p. 54.

years to learn the Samoan language, so that if the contracts were limited to three years, the danger would be minimized. He pointed out that the Chinese did not complain of their condition. The Chinese "are going to help to develop Samoa . . . and raise the Samoans from the state they are now in." Mr. Lee declared that " one must take a common-sense view of the position." From the remarks made later by the Prime Minister, it is evident that he regarded the indentured system as a necessary evil, for at the time he knew of no alternative if the European plantations were to be worked. Without Chinese labour the islands would be non-revenue-producing, since the Samoans only laboured for their immediate requirements. If New Zealand did not retain mandatory control over Western Samoa, some foreign country would be prepared to accept the responsibility. He promised that " so far as I am concerned, I will do my level best to get rid of the indentured labour system and replace it by free labour." [1]

The Labour Party advanced no alternative proposal for the securing of a sufficient labour supply for the European plantations. Mr. Holland suggested, however, that the Samoans could hardly be expected to work for Europeans for a monthly wage that only equalled what they were able to earn by independent labour in one day. The argument that the Samoan race would be starved out by the beetle if the European plantations were left without labour was declared by Mr. Bartram to be preposterous, considering that by far the greater part of the islands were still uncultivated. Part of the undergrowth could be kept down by the introduction of Indian cattle. Suggestions were made for the scientific investigation of the beetle problem by the Agricultural Department with a view to its solution by chemical devices. It was the opinion of the Labour Party that no argument had been advanced in support of a policy, which in the past had proved so disastrous in the Transvaal, and in the future might threaten the social welfare of the Samoan people. Why had the Samoans not been officially consulted on the subject ? Mr. Fraser deliberately asked

[1] *N.Z. Parl. Debates*, p. 938.

the Government what their attitude would be if the conditions of the Transvaal compounds were re-established in Western Samoa—a question that brought the Prime Minister, in anger, to his feet. Mr. Fraser declared:

> "If it cannot be demonstrated (that in Samoa, as distinct from any other portions of the earth, men can be herded together without the ordinary domestic environment and can live a celibate and absolutely pure life) there is no excuse of any kind that can weigh in the balance against the moral iniquity of it." [1]

The Labour Party were accused by a member of the House of seizing on the question of indentured labour as affording an opportunity for a "magnificent political stunt." The accusation may, or may not, have been justifiable. But there seems no reason to doubt the sincerity of the Labour speakers. Their argument was that no Government would dare to introduce such a system into New Zealand. "I want to lay it down as a guiding principle, that a system . . . you yourselves would not work under in New Zealand, you have no right to impose upon any other people." [2]

The Government won the division by a large majority. The Samoan Administration thereupon proceeded to draw up the terms of contract under which Chinese coolies would be recruited for labour in the mandated territory of Western Samoa. The introduction of the coolies was to be entirely under Government control though at the employers' expense. The contracts were to be valid for three years if the coolie emigrated without his wife. But approved labourers were to be allowed to take their wives with them to Samoa at the cost of the administration. Coolies taking advantage of this "privilege" were expected to enter into a six years' contract. On landing in Samoa, the coolies were to be drafted on to the plantations or into domestic service. If a coolie's services were not immediately engaged, he would be expected to work for the Government on public works until employment was offered him. He would not be employed in mines or on railway construction (light rails for plantation work excepted). His wages during the first

[1] *N.Z. Parl. Debates*, p. 926, Mr. Fraser.
[2] *Ibid.*, p. 894, Mr. Holland.

three years were fixed at 30s. per month, with extra for overtime. During a period of reindenture or during the second half of a six years' service, the wages were to be raised as agreed upon between the labourer and the employer, the minimum advance being 10s. per month. The coolie was to be supplied with food,[1] lodgings, some clothes, and medical treatment. The hours of work were limited to 9½ hours, or 9 hours if the temperature was over 100° F. No work was to be done on Sundays or special holidays.[2] After working hours or on holidays, the coolies were to be free to go out without restriction, but they must be back in their homes by 9 p.m. No gambling, opium smoking or drinking was to be allowed in the islands of Western Samoa, and "all temptations" leading to bad habits and extravagance were prohibited. For refusal to work, or absence from work, or illness caused by the labourer's own fault, an amount proportioned to the number of days not worked might be deducted from his wages for the month. No labourer might be subjected to corporal punishment "under any pretext whatever." It was the duty of the Chinese Commissioner to care for the interests of the coolie, who might also lodge a complaint against his employer to the Chinese Consul. The coolie retained his right of recourse to the courts of law. If the coolie died or became permanently disabled as a result of his work or of the climate, compensation was to be paid. At the end of a first period of service, a second contract might be entered into by mutual agreement, and with the consent of the Administrator and the Chinese Consul. If the coolie did not desire to be reindentured he must be repatriated to his native village at the employer's expense. Repatriation was made compulsory. All the terms of the contracts were subject to penal sanction imposed by Labour Enactment.

Under such terms of contract, 1,430 Chinese were introduced into Western Samoa, June, 1920–December, 1921, the total number on the islands at the latter date being 1,597.

[1] Rations were stated: 1 lb. 10½ oz. rice; ⅓ lb. meat or fish; 1¼ oz. fat and ample vegetables per day. One-third lb. tea per month.
[2] This did not apply to domestic workers.

No information concerning the actual conditions under which these coolies are living and working in the mandated territory is at present available. When it is forthcoming it should give an answer to certain queries suggested by the history of the system. Have the economic interests of the coolies been secured? Even with rations, a monthly wage of 30*s*. or a possible 32*s*. for a period of three years seems surprisingly low, especially when it is remembered that the general testimony, both of the West Indian planters and of the Transvaal mine-managers, was to the effect that in a period of six months the Chinese became efficient workmen. Moreover, on the plantations the coolies are under the control of Chinese headmen or Kapala. It is true that these headmen are expressly forbidden to subject the coolies to corporal punishment. It may also be true that in Samoa the Chinese headmen are very different to the Chinese headmen who have controlled coolie labour in Malaysia, in the West Indies, in the Transvaal. But it should be remembered that while the language-gulf separates the European manager from his labourers, the Chinese headmen will have a degree of power over their coolies that may not be conducive to the well-being of the latter, who are easily terrorized by a show of authority. These matters would not require such attention were it not that the indentured labourers are bound to the estates for a minimum period of three years. If they are dissatisfied they cannot leave their service. They can, of course, bring any complaints to the notice of the Commissioner. But "the Commissioner is a long way away." So also is the Consul. They can appeal to the courts. But in the past such a right of appeal has not been of much value. And, further, what information will be forthcoming concerning the social and moral welfare of the coolies? The Samoan Administration, in drawing up the regulations governing the importation of Chinese labourers, provided for the introduction of the wife of an "approved" labourer if he signed a contract for six years. Between June, 1920–December, 1921, only two Chinese women emigrated to Western Samoa. Past experience suggests that as a result

either (1) there will be a repetition on a smaller scale of the Transvaal disaster. For some time after their arrival in Western Samoa the language difficulty will make intercourse between the coolies and the Samoan women difficult, even if the Government is prepared to allow the coolies full opportunity to go into the Samoan villages. Under such circumstances it seems futile to forbid men to succumb to "all temptations leading to bad habits."

Or (2) the difficulty of intercourse between the Chinese immigrants and the Samoan women may be readily overcome, and fa'asamoa marriages may take place. There is no evidence to show that intermarriage between the Samoan and Chinese races would have unsatisfactory results in normal circumstances. But the circumstances are not normal. At the end of their service the men will be repatriated—if necessary under compulsion. The women and children will remain behind.

Or (3) the Samoan Administration may actively encourage Chinese women to accompany their husbands to Western Samoa. But if such is the case it should be remembered that it is not so easy to repatriate a family as to repatriate a man. As a rule the Chinese coolies who have emigrated from China under the credit-ticket or contract system have manifested a strong desire to return some time to China, to the ancestral village. But when Chinese families have emigrated they have been more prepared to settle in the country in which they have rendered a temporary service. If families are introduced into Samoa, they may be able to make an effective appeal against repatriation. Certainly if children are born to them in the islands their claim will be difficult to dispute. But such a claim may not be conducive to the welfare of the Samoan people, especially if there is truth in the statement made by Mr. Harman before the Australian Trade Commission: "The fact is there is no room for an alien population for settlement in Samoa, although they want more labour." The permanent interests of the Samoan people in a matter of such special importance cannot well be ignored by the mandatory power.

IN CONCLUSION.

THE subject of Chinese immigration into countries within the British Empire may be considered under two general aspects, viz. :—(1) immigration into temperate regions, where young and vigorous British communities have already settled; and (2) immigration into tropical areas, where the native population is either too small or too unsuited for modern economic development to meet the needs of capitalistic enterprise.

During last century the opening up of Canada, Australia, and New Zealand gave a stimulus to the speculative exportation of men by Chinese merchants—the conditions governing the development of the new countries and the discovery therein of rich goldfields promising a quick return for money invested in the traffic. As a result, the young British communities came to regard China as a source whence there might pour forth into their midst a flood of immigrants, and therefore they secured themselves against the subversion of the body-politic that would follow a large movement outwards of the Chinese by adopting a policy of restriction which is practically one of prohibition.

Although the right of these British communities to preserve the continuity of their social organization may be admitted, it is open to question whether a policy of moderate restriction would not be sufficient to achieve this end. But it is further argued by the British Dominions that a modified policy would encourage an alien system of debt bondage over which they can have no control. Such a system, it is believed, has led, and would again lead, to unfair economic competition with both wage-earning and merchant classes, the inevitable result being a lowering of the "Standard of Life," won by them after much strenuous endeavour. But

as it becomes more apparent that the economic danger of Chinese immigration could be lessened by the efficient administration of necessary legislation, the emphasis in the argument against it is shifting from economics to eugenics. Chinese immigrants will be unwelcome to any British community so long as they remain a group apart. But assimilation almost inevitably means miscegenation, and against the latter there is a strong and widespread prejudice. Whether this prejudice is or is not well grounded is a subject for careful scientific investigation and not for argument. It is curious that the significance of the "race-question" for the immediate future has been so little appreciated in the past. Certainly from the data at present available no conclusion of any value can be drawn. But until it can be shown that miscegenation even on a small scale does not necessarily give rise to the evils generally ascribed to it, it is improbable that even a moderate immigration of Chinese—or of other Asiatics—into the British Dominions will be allowed.

The immigration of Chinese into the tropical British colonies—with the exception of the Straits Settlements, where the conditions of proximity and numbers favour the continuous coming and going of the Chinese—has resulted mainly from the institution of the indentured labour system. The story of the past makes it apparent that this system is subject to abuse. Moreover, when an effective opposition from either the native population or the governing authorities leads to a compulsory repatriation at the end of the period of service, the labourers under contract are removed for a period of years from a society to a labour system which prevents the satisfaction of normal human wants. It may be questioned whether, under such circumstances, the indentured labour system should be allowed to continue if the end to be attained through social organization is the welfare of man rather than the accumulation of "cities and money and rich plantations."

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